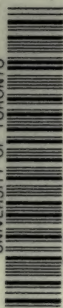


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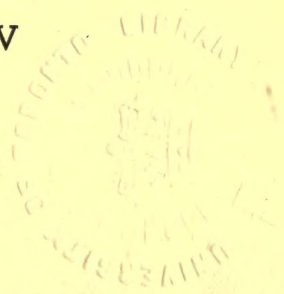
JOHNS HOPKINS UNIVERSITY STUDIES  
IN  
HISTORICAL AND POLITICAL SCIENCE

Under the Direction of the  
Departments of History, Political Economy, and  
Political Science

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VOLUME XXXV

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SERIES XXXV

No. 1

JOHNS HOPKINS UNIVERSITY STUDIES  
IN  
HISTORICAL AND POLITICAL SCIENCE

Under the Direction of the

Departments of History, Political Economy, and  
Political Science

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THE VIRGINIA COMMITTEE SYSTEM  
AND THE AMERICAN REVOLUTION

BY

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## INTRODUCTION

This study of the Virginia committee system in its relationship to the American Revolution has been made in the main from source material, much of which has been utilized by writers who have studied these committees as isolated units rather than as parts of a well developed system. The author believes that an institutional and historical continuity runs through the committee system of the Virginia legislature, and that these committees are connected in a vital and intimate way with the so-called revolutionary committees of the transition period from colony to commonwealth. To show the continuity, to explain the organization of the committees of the Virginia House of Burgesses, and to show their part in the calling of the first Continental Congress is the purpose of this study. It was at first intended to include the results of an investigation of the so-called revolutionary committees (the Virginia Committee of Safety and the local committees); but any adequate treatment of these organizations would have carried this study far beyond the usual limits of a dissertation. I have followed out the activities of these committees and hope soon to publish my findings as a continuation of this study.

The opening chapters are devoted to the organization of the Virginia House of Burgesses and its method of carrying on the legislative work by means of standing committees. Special attention has been given to the committee of correspondence, 1759-1770, which was chosen for the purpose of communicating with the colonial agent, and the relationship existing between this committee and the House of Burgesses, as well as the law governing its appointment and functions, has been carefully examined. It is this committee, I believe, which developed into the committee for intercolonial correspondence; and in order to understand

clearly the relationship of the legislative committees to the people at large, the representative system and the election laws of the colony have been brought into the discussion.

A comparison of the committee of correspondence of 1759, chosen for the purpose of communicating with the agent in England, with the committee of correspondence of 1773, chosen for intercolonial communication and for correspondence with an agent in England, brings out important results. By close examination of the organization, personnel, and activities of these committees I have reached conclusions somewhat different from those long held regarding their operation. The continuity of personnel in these committees seems to me to be especially significant, and is a feature which, so far as I have been able to determine, has never before been pointed out.

I wish to acknowledge my indebtedness to several friends whose assistance has proved invaluable at various stages of the work. To them whatever of good there may be in the study is largely due, while in no way are they responsible for any inaccuracies it may contain. To Professor James Curtis Ballagh, formerly of the Johns Hopkins University, now of the University of Pennsylvania, and to Professors John Martin Vincent and John Holladay Latané of the Johns Hopkins University I am especially indebted. The study was undertaken at the suggestion of Professor Ballagh. Not only am I indebted to him for a dissertation subject, but without his scholarly suggestions and careful criticisms in its early stages the work would not have been possible. To Professor Vincent I wish to express my gratitude for careful training in research methods and for valuable assistance at various stages of the work. To Professor Latané, under whose direction and in whose seminary the study was completed, I am under many obligations. It is no less a pleasure because it is also a duty to thank him for cheerful assistance, scholarly direction, and helpful criticism, which have proved well-nigh invaluable.

In the collection of material I have been aided and my



labors have been greatly lightened by the courtesy and kindness of the staffs of the various libraries in which I have worked. To Mr. Gaillard Hunt and Mr. J. C. Fitzpatrick of the Library of Congress, to Mr. W. G. Stanard of the Virginia Historical Society, to Dr. H. R. McIlwaine, Dr. H. J. Eckenrode, and Mr. Earl G. Swem of the Virginia State Library I am very grateful for courtesies extended to me during my work in their respective libraries.

J. M. L.



# THE VIRGINIA COMMITTEE SYSTEM AND THE AMERICAN REVOLUTION

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## CHAPTER I

### COMMITTEES OF THE HOUSE OF BURGESSES

That the Virginia House of Burgesses, the first legislative assembly to meet in America, should have transacted business along lines of procedure similar to, if not identical with, those followed in the British House of Commons before the development of the cabinet or ministerial form of government, is not at all strange. Virginia was first settled almost entirely by British people, and it is only natural that they should have brought with them to America a deep love for the mother-country and for her institutions. When Governor Yeardley, in June, 1619, summoned the Assembly to its first meeting, he called together a body of men who had no legislative precedents to follow save those derived from English parliamentary procedure. In its governmental institutions the infant colony was largely influenced by English experience, throughout its various branches of government English institutions served as models, and it was upon an English basis that the structure of colonial government was built. However, these English institutions were soon modified to meet colonial needs, and gradually there grew up in the Virginia House of Burgesses a committee system of legislative procedure that has entered into the very warp and woof of our governmental fabric. A system of English legislative committees, transplanted from the mother-country during a long period, took on new forms and added importance in legislating for the colony, and it has become the very groundwork of the



American legislative system. In England the committee system gradually narrowed down and lost in importance with the rise of the ministerial or cabinet form of government; in America the same system took on new functions and increased in importance, developing into a congressional or committee form of government.

As Virginia was the first colony in America to establish a representative legislature, so she was the first to develop a system of standing legislative committees for the transaction of business.<sup>1</sup> It is in the development of this system that the government of the United States has found its most distinctive legislative peculiarity—a peculiarity that has given to our congressional system a characteristic individuality. So important is an understanding of these committees to a proper conception of the American Revolution and the later establishment of the United States that their rise and development in the Virginia House of Burgesses should be examined with care.

The first meeting of the House of Burgesses was held at Jamestown, then called James City, July 30, 1619, and a record of the proceedings has come down to us in a "reporte" from the speaker, John Pory.<sup>2</sup> This document,

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<sup>1</sup> J. F. Jameson, "The Origin of the Standing-Committee System in American Legislative Bodies," in *Political Science Quarterly*, vol. ix, pp. 262-263.

<sup>2</sup> This paper is in the British State Paper Office, America and West Indies, Virginia, and is endorsed "Mr. Pory owt of Virginia, The Proceedings of the First Assembly of Virginia, July, 1619." This interesting document was discovered by Mr. George Bancroft and published in 1857 in the Collection of the New York Historical Society, second series, vol. iii, pp. 329-358, with an introduction by Mr. Bancroft. Of its discovery he says: "Having, during a long period of years, instituted a very thorough research among the papers relating to America in the British State Paper Office, partly in person and partly with the assistance of able and intelligent men employed in that Department, I have at last been so fortunate as to obtain the 'Proceedings of the First Assembly of Virginia.' The document is in the form of 'a reporte' from the Speaker; and is more full and circumstantial than any subsequent journal of early legislation in the Ancient Dominion.

"Many things are noticeable. The Governor and Council sat with the Burgesses, and took part in motions and in debates. The Secretary of the Colony was chosen Speaker, and I am not sure that he was a Burgess. This first American Assembly set the precedent

shows that twenty-two members composed the first Assembly, that John Pory, the secretary of the colony, was chosen speaker, and that John Twine was made clerk. Among other business recorded in the proceedings as having been transacted was the reading by the speaker of the commission for establishing the Council of State and the Assembly. The charter which Yeardley had brought out from England was read and referred to several committees for examination, in order that if they found anything therein "not perfectly squaring with the state of the colony, or any law pressing or binding too hard," the Assembly might petition for its redress, especially since they looked upon this great charter as destined "to bind us and our heirs forever." After due inquiry had been made the burgesses from Martin's patent were excluded, and the Assembly humbly demanded of the Virginia Company an interpretation of that clause in Martin's patent allowing him to enjoy his lands as amply as any lord of a manor in England. "The least the Assembly can alledge against this clause," said the Burgesses, "is, that it is obscure, and that it is a thing impossible for us here to know the prerogatives of all the manours of Englande." They prayed that the charter clause guaranteeing equal liberties and immunities to grantees might not be disregarded, and that the Board "would be pleased to

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of beginning legislation with prayer. It is evident that Virginia was then as thoroughly a Church of England colony, as Connecticut afterwards was a Calvinistic one. The inauguration of legislative power in the Ancient Dominion preceded the existence of negro slavery which we will believe it is destined also to survive. The earliest Assembly in the oldest of the original thirteen States, at its first session, took measures 'toward the erecting of' a 'University and Colledge.' Care was also taken for the education of Indian children. Extravagance in dress was not prohibited; but the ministers were to profit by a tax on excess in apparel. On the whole, the record of these Proceedings will justify the opinion of Sir Edward Sandys, that 'they were very well and judiciously carried.' The different functions of government may have been confounded, and the laws were not framed according to any speculative theory; but a perpetual interest attaches to the first elective body representing the people of Virginia, more than a year before the Mayflower, with the Pilgrims, left the harbor of Southampton, and while Virginia was still the only British Colony on the whole continent of America."

remove any such hindrance" as might "diverte out of the true course, the free & publique current of justice."<sup>3</sup>

Certain of the instructions sent out from England were "drawn into laws" regulating intercourse and trade with the Indians. To pay speaker, clerk, sergeant, and provost-martial for their respective services a pound of the best tobacco was levied from every male in the colony above sixteen years of age. No counties having been laid off at this time, representatives were elected from the several towns, plantations, and hundreds, styled boroughs; hence the assembly was known as the House of Burgesses and the members as burgesses. Even after the division of the colonies into counties these names endured, and up to the formation of the state government in 1776 they remained in common use.<sup>4</sup>

The plan of appointing committees, more or less permanent, to transact with greater facility the business of a legislative body is not an unnatural device, and one is not surprised to find this first Virginia Assembly submitting the charter to committees. From special committees to do certain specific things, after which the committees were discharged, to permanent standing committees, with wider but equally definite functions, was a process of evolution accomplished in the period between 1619 and 1693. In the House of Burgesses for the session of December, 1655, we find a committee for revising the laws, consisting of a chairman and three members, and a committee for private causes composed of a chairman and seven members.<sup>5</sup> In the session of March, 1658, the committee for revising the laws presented their work to the Assembly, by whom their revision was adopted on March 31 of that year.<sup>6</sup> Again in

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<sup>3</sup> Collections of the New York Historical Society, second series, vol. iii, pp. 334-358; C. Campbell, *History of the Colony and Ancient Dominion of Virginia*, pp. 138-142.

<sup>4</sup> Collections of the New York Historical Society, second series, vol. iii, pp. 334-358.

<sup>5</sup> W. W. Hening, *The Statutes at Large*, vol. i, pp. 421, 422.

<sup>6</sup> *Ibid.* Hening quotes from the Randolph MS., p. 238, as follows: "This day all the former acts haveing been perused by the committee for viewing and regulateing them were by the said coMmittee



the session of March, 1659, there were named committees for private causes and "for review and regulation of the Acts, and to make Report of the inconveniences or requisite alterations."<sup>7</sup> From this date down at least as far as 1680, when the method of appealing to the king in council began to be used, are found committees for private causes.<sup>8</sup>

In 1660 the Assembly appointed a "committee of audit," whose duty it was to check up the accounts of the "collectors of two shillings per hhd." This committee was empowered to examine witnesses, administer oaths, and use all other legal means to determine the accuracy of such accounts.<sup>9</sup> In 1661, 1662, and 1663 there were "publique committees" appointed to sit for the transaction of business with the governor and the Council during the recess of the House.<sup>10</sup> In 1661 the Assembly named Colonel Francis Morrison and Henry Randolph, the clerk of the House of Burgesses, as a recess committee for a revisal of the laws; and in 1699 there was a joint recess committee, consisting of three members of the Council and six burgesses, appointed for the same purpose. Six of this committee was a quorum, but it was specified that there should be not less than two from the Council nor four from the House of Burgesses present to constitute such a quorum.<sup>11</sup>

In 1663, just after the system of standing committees in the English House of Commons assumed its final form, the Virginia House of Burgesses had a committee of elections, with functions closely resembling those of the English com-

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presented to the house, where being read and seriously discussed they were approved of in the House and a coMmittee appointed to present them to the Governour and Councill, and to advise with him and his councill about the explanation or alteration of any seeming difficulties or inconveniencies, Yet with this lymitation not to assent to anything of consequence without the approbation of the House."

<sup>7</sup> Hening, vol. i, p. 512.

<sup>8</sup> Jameson, *The Origin of the Standing-Committee System*, pp. 262-263.

<sup>9</sup> Hening, vol. i, pp. 545, 546.

<sup>10</sup> Jameson, *The Origin of the Standing-Committee System*, pp. 262, 263; Hening, vol. ii, pp. 31, 32, 147, 199.

<sup>11</sup> Hening, vol. ii, pp. 34, 311, 312, 313, 314.

mittee of privileges and returns;<sup>12</sup> and from a clerk's petition of the year 1677 we find that there was in the same body a committee of propositions and grievances, whose clerk drew a salary of fifty pounds sterling. The same committee appears again in 1684. A committee of public claims is mentioned in 1677 and again in 1679, 1691, and 1697.<sup>13</sup> In the single early manuscript journal that has been preserved, that of the session of 1693, there appears the committee of public claims, along with the committee of elections and privileges and the committee of propositions and grievances. These three are noted from 1696 to 1698 as constituting the usual system.<sup>14</sup>

During the session of 1702-1703 the journal of the House of Burgesses records the appointment of three standing committees; namely, public claims, elections and privileges, and propositions and grievances.<sup>15</sup> On March 29, 1703, Messrs. Bland, Marable, Ashton, and Turberville, members of the House of Burgesses, were named by that body a committee to inspect and examine the treasurer's accounts.<sup>16</sup> On March 22 it was ordered that each of the standing committees "has power to adjourn themselves *de die in diem* and to send for persons records Journalls and other papers" which they might have occasion to use. Some idea of the importance of these committees may be gathered from the fact that the clerk of the House was ordered to post a notice of their place of meeting.<sup>17</sup>

<sup>12</sup> Jameson, *The Origin of the Standing-Committee System*, pp. 262, 263.

<sup>13</sup> Hening, vol. ii, pp. 405, 421, 455; vol. iii, pp. 43, 44; Jameson, *The Origin of the Standing-Committee System*, pp. 262, 263.

<sup>14</sup> Jameson, *The Origin of the Standing-Committee System*, pp. 262, 263; *Journals of the House of Burgesses of Virginia, 1695-1702*, pp. 4, 6, 45, 47, 58, 61, 120, 123, 133, 142, 182, 208, 212, 248, 341.

<sup>15</sup> *Journals of the House of Burgesses, 1702/3-1712*, pp. 6, 9.

<sup>16</sup> *Ibid.*, p. 14.

<sup>17</sup> *Ibid.*, pp. 9, 10. "Ordered That the Clerk of ye House publish ye latest time set by ye House for receiving propositions Grievances & publick Claims during this Session by Setting up a fair Copy of ye Resolve of ye House in that behalfe at ye Colledge door Ordered That ye the Clerk of ye House publish the place where ye Committee of Grievances & Propositions, and the Comittee of publick Claims are to sitt, *vizt* in ye upper Rooms of ye Colledge where they for-

A perusal of the journal for the first session of the Assembly of 1702/3-1705 shows that the three standing committees of this time—for public claims, consisting of ten members; for propositions and grievances, made up of ten members; and for elections and privileges, with five members—were already performing much of the routine work of the House of Burgesses. So important was their work that to each was assigned a clerk, whose duty it was to keep a record of its proceedings. Their findings were reported to the whole house, which considered and voted upon the reports. The frequency with which the committee of the whole accepted their reports seems to argue well both for the effectiveness of their work and for the faith of the Burgesses in their committees. Indeed, the cases in which their resolutions were rejected or even amended by the House seem to be the exceptions to the rule of reliance on their good judgment.

During the general Assembly of 1702/3-1705, with its four sessions, that of 1705-1706, which had only one session, and that of 1710-1712, of two sessions, the work of the committees seems to have undergone little change. In all of these sessions, except the one-day session of April 20, 1704, the shortest ever held by the House of Burgesses, the standing committees of elections and privileges, propositions and grievances, and public claims were regularly appointed.<sup>18</sup> As regards the number who served on these committees there seems to have been no material variation. During these sessions the membership of the committee of elections and privileges was never smaller than four nor larger than five; the membership of the other two varied between ten and twelve. Each of these committees had a chairman and a clerk, and their work seems to have been of great importance.

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merly sat, by Setting up a Certificate therof at ye Colledge door." On account of a fire which had destroyed the state house at Jamestown, October 31, 1698, this session of the Assembly was held in the College Hall of William and Mary at Williamsburg.

<sup>18</sup> Journals of the House of Burgesses, 1702/3-1712, pp. 6, 9, 45, 46, 88, 89, 132, 241, 242, 303, 304.



Not all of the work of the House of Burgesses, however, was done by these committees. We have already noted the important recess committees for revising the laws, and one cannot fail to be impressed by the vast amount of work accomplished by the revisal committee of 1699 as evidenced in the thirty-nine bills reported by it to the General Assembly, by which they had to be passed before they could take the form of acts.<sup>19</sup> While not one of the regular system of standing committees, this revisal committee was both a standing committee and a recess committee. The work of the revisal committee appointed in April, 1699, included only the laws passed up to the time of its appointment. The laws passed between that date and the session of 1705-1706 were, however, provided for by order of the House of Burgesses which referred them first to the committee of public claims and then to the committee of propositions and grievances; and they were revised by these committees just as the older laws had been by the committee of revisal.<sup>20</sup>

At the beginning of each General Assembly, as soon as the speaker had been chosen, a committee was usually appointed to notify the governor, and to find out when it would be his pleasure for the House to present their newly chosen head.<sup>21</sup> This committee seems to have been a purely temporary one appointed to perform a single specific function, the performance of which discharged it from further duty. Another committee which appeared with great regularity in most of the sessions is the one for receiving, inspecting, and examining the treasurer's accounts—a committee whose work was somewhat important if we can judge from the regularity of its appointment and the nature of the subject with which it had to deal.<sup>22</sup> During all the sessions of the General Assembly from 1702 to 1712, whenever a conference was desired by either the Council or the House of Burgesses, the House appointed a committee to

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<sup>19</sup> Hening, vol. iii, pp. 181, 182, 183, 184, 185.

<sup>20</sup> Journals of the House of Burgesses, 1702/3-1712, pp. 189, xxix.

<sup>21</sup> *Ibid.*, pp. 3, 129, 239.

<sup>22</sup> *Ibid.*, pp. 14, 55, 110, 137, 255.

meet with the council committee, in case the conference was decided upon.<sup>23</sup> These committee-men from the House were termed "Managers" of the conference for the House, while the committee-men of the Council were known as "Managers" for the Council. However, the House of Burgesses could refuse to confer with the Council if in their judgment they thought it was the intention of that body to make the Burgesses yield in any matter that would establish a bad precedent. Especially as regards money measures were differences likely to arise; and here, as in England, the Lower House claimed the right to originate all money bills, guarding this right jealously whenever it was called into question.<sup>24</sup>

In the session of October, 1705, a committee was appointed "to Enquire into The practice and Behaviour of the Attorney-Generall." This committee, which seems to have been very closely akin to the investigating committee of modern legislative bodies, was composed of six members, with the power of adjourning from day to day and of sending for such persons and such records, journals, and other papers as they should, from time to time, have occasion to use in their investigation.<sup>25</sup> The result of their findings was to be reported to the committee of the whole house.

In matters that were deemed of sufficient importance the House of Burgesses often resolved itself into a committee of the whole. In such a matter the procedure was as follows: The speaker of the House left his chair and his place was taken by the chairman of the committee of the whole house. After a discussion of the question in this committee, the speaker resumed the chair and the chairman of the committee made his report of the proceedings of the committee of the whole. As an illustration of this procedure the following example will doubtless suffice. On October 29, 1705, the committee for revision of the laws reported a bill which it had prepared entitled "An Act for Establishing

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<sup>23</sup> Journals of the House of Burgesses, 1702/3-1712, pp. 24, 91, 113, 139, 169, 170, 185, 200.

<sup>24</sup> Ibid., pp. 338, 339.

<sup>25</sup> Ibid., p. 140.

the General Court and for Regulating and Settling the Proceedings Therein." This bill was read, and after its first reading was referred to a committee of the whole house, a day being then set for its consideration. After several postponements the bill was considered in the committee of the whole house on November 15, the chairman, Mr. Peter Beverly, reporting from the committee that it had made some progress in the said bill, and had directed him to move that it have leave to sit again. This leave was granted, and on November 17 the House again resolved itself into a committee of the whole, from which the bill with several amendments was reported to the House of Burgesses, who agreed to the changes and passed the bill to its second reading.<sup>26</sup> Throughout its entire existence the committee of the whole house played an important part in the deliberations of the Virginia House of Burgesses.

As has been already seen, the first House of Burgesses, that of 1619, was composed of twenty-two members. The records of the General Assembly of October, 1629, show that forty-six burgesses were present at that session, the Eastern Shore representatives not appearing.<sup>27</sup> The roster of the House of Burgesses for the session of March, 1643, shows that the ten Virginia counties were represented by twenty-seven burgesses;<sup>28</sup> in the session of November, 1654, sixteen counties sent up thirty-eight representatives;<sup>29</sup> in March, 1660, seventeen counties furnished forty-four burgesses.<sup>30</sup>

During the period of 1619 to 1662 there seems to have been no regulation of the number of burgesses returnable from each county, some counties sending only one representative while others sent two, three, four, five, or even as many as six. In the General Assembly of March, 1662, an act was passed for regulating the number of bur-

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<sup>26</sup> Journals of the House of Burgesses, 1702/3-1712, pp. 138, 141, 151, 163, 155, 157.

<sup>27</sup> Henning, vol. i, pp. 138, 139.

<sup>28</sup> Ibid., p. 239.

<sup>29</sup> Ibid., pp. 386, 387.

<sup>30</sup> Ibid., pp. 527, 528, 529, 530.



gesses.<sup>31</sup> The preamble of this act states that it was passed because the "charge of assemblies" was "much augmented by the greate numbere of burgesses unnecessarily chosen by the several parishes." In order to correct this difficulty it was enacted that no county should send more than two burgesses, who should be elected at the county seat of each county, but it was provided that James City (Jamestown) should be allowed the privilege of electing a member to represent it in the House of Burgesses. The last clause of the act provided that every county which should lay out a settlement of one hundred acres and people it with one hundred tithable persons should have the right to elect one representative to the Assembly. That this law was not at once complied with is indicated by the fact that the counties of Charles City, James City, and Isle of Wight each sent three representatives to the General Assembly of December, 1662, while Isle of Wight elected three burgesses to the Assembly of October, 1666.<sup>32</sup> Henning suggests that the additional number of burgesses appearing in the representation of the above mentioned counties during these sessions was probably due to "the equity not the words of the before mentioned act of March, 1661-2."<sup>33</sup> The last clause of the act in question seems to conflict with its first provision.

The Assembly of October, 1669, however, passed an act which provided for the election of two burgesses to represent each county, and each county was enjoined "to returne two burgesses for the better service of the publike."<sup>34</sup> It

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<sup>31</sup> Henning, vol. ii, p. 106.

<sup>32</sup> Ibid., vol. ii, pp. 196, 197, 249, 250.

<sup>33</sup> Ibid., p. 196.

<sup>34</sup> Ibid., vol. ii, pp. 272, 273. The text of the act is as follows: "*Whereas* severall inconveniencies have arisen by the act giving liberty to the counties to chose one or two burgesses at discretion as the retarding the business at the house when those single burgesses are upon committees, or of any suite of their owne, or difference between diverse parishes of the counties, or have their appearance hindred by sickness or otherwise, in all which occasions the county that sends, or parte of it are deprived of their representative, *It is enacted* that each county after this present session shalbe enjoined to returne two burgesses for the better service of the publike."

is interesting to note that as early as 1669 committee duties are urged as a reason for the presence of a full representation of every county in the House of Burgesses. That the problem of securing a full and regular representation of each county in the House of Burgesses was still a live issue in the session of the General Assembly of October, 1670, is evidenced by the passage of the following act: "*Whereas* the act for electing two burgesses for each county for want of a ffine hath not had the due observance it ought, *It is enacted* that every county not sending to every session of assembly two burgesses shall be fined ten thousand pounds of tobacco to the use of the publique."<sup>35</sup> By an act of March, 1662, all freemen failing to vote in the election of burgesses from their county were fined two hundred pounds of tobacco.<sup>36</sup> This provision was repeated in all of the acts for regulating the election of burgesses passed while Virginia was a British colony.<sup>37</sup>

By the beginning of the eighteenth century the counties had begun to send up two burgesses with fair regularity, and in the General Assemblies of 1702/3-1705, 1705-1706, and 1710-1712 the roster of the House of Burgesses shows twenty-five counties sending up fifty burgesses, while in the last mentioned Assemblies Jamestown was represented by one burgess. No change appears in the number of burgesses until the Assembly of 1715, when the College of William and Mary was allowed a representative, the roster for that year showing twenty-five counties with two burgesses apiece, and Jamestown and William and Mary College with one each. The number of burgesses remained at that figure until the General Assembly of 1720-1722, when the representatives of the newly created counties of King George and New Kent raised the number from fifty-two to fifty-six.<sup>38</sup> The General Assembly of 1727-1734 appears to have been

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<sup>35</sup> Hening, vol. ii, p. 282.

<sup>36</sup> Ibid., p. 82.

<sup>37</sup> Ibid., vol. iii, p. 238; vol. vii, pp. 517-530, clause ix.

<sup>38</sup> Journals of the House of Burgesses, 1702/3-1712. Lists of Burgesses in Introduction; *ibid.*, pp. vii-xi; *ibid.*, 1712-1722, pp. vii-xiii.

composed of sixty-five burgesses, of whom sixty-two represented thirty-one counties and three the corporations of Jamestown, Williamsburg, and William and Mary College; that of 1734-1740 seems to have been attended by seventy-one burgesses, representing thirty-four counties and four corporations, Henrico County appearing to have sent only one representative.<sup>39</sup>

By the fourth decade of the eighteenth century the counties had usually sent up to the House of Burgesses the number of representatives required by the law, and by the middle of the century two burgesses for each county were returned with great regularity. The General Assembly of 1742-1747 was attended by seventy-six burgesses from thirty-eight counties and four corporations, Albemarle, Brunswick, Fairfax, and Warwick counties sending only one delegate each; and the House of Burgesses in 1748-1749 was composed of eighty-four members returned by forty counties and four corporations,<sup>40</sup> each county having elected two representatives and the towns of Norfolk, Jamestown, and Williamsburg and the college of William and Mary one each.

By this time the colony was growing rapidly, new counties were being created in the "up country," and with this growth of counties not only had the number of burgesses increased, but the regularity of their return to the Assembly was greater. Both the General Assembly of 1752-1755 and that of 1756-1758 witnessed a Lower House with a return of one hundred and four burgesses from fifty counties and four corporations,<sup>41</sup> while the House of Burgesses of 1758-1761 was made up of one hundred and six delegates from fifty-one counties and the four corporations.<sup>42</sup>

The General Assembly of 1761-1765, made memorable by the passage of the Stamp Act Resolutions introduced by Patrick Henry, shows fifty-four counties and four corporations represented by one hundred and ten burgesses.<sup>43</sup> Nor-

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<sup>39</sup> Journals of the House of Burgesses, 1727-1740, pp. vii-x.

<sup>40</sup> Ibid., 1742-1749, pp. vii-x.

<sup>41</sup> Ibid., 1752-1758, pp. vii-x.

<sup>42</sup> Ibid., 1758-1761, pp. vii-x.

<sup>43</sup> Ibid., 1761-1765, pp. 3, 4.



folk County did not return any representatives on account of a freshet, which washed away the bridges and prevented the freeholders from assembling at the county-seat on the day named for the election.<sup>44</sup> Sixteen new counties, most of them western, had been created in the period between 1747 and 1765, and it was largely from the frontier and "up-country" members that Henry drew his support in the hard-won battle for the famous resolutions of 1765. From the day of Henry's victory new progressive forces began gradually to gain control of the House of Burgesses.

One hundred and sixteen burgesses from fifty-six counties, the towns of Williamsburg, Jamestown, and Norfolk, and from the College were returned members of the General Assembly of 1766-1769;<sup>45</sup> one hundred and twenty members from the same towns and corporations and from fifty-eight counties appear on the roster of the lower legislative branch of that of 1770-1772;<sup>46</sup> and one hundred and twenty-six burgesses were returned from the sixty-one counties and four corporations that went to make up the colony of Virginia when her last colonial house of representatives was chosen for the General Assembly of 1773-1776.<sup>47</sup>

The General Assembly of 1712-1714 held three sessions, at each of which the three regular standing committees of elections and privileges, public claims, and propositions were appointed. There does not appear to have been any material difference in the size of these committees and those appointed in the earlier Assemblies.<sup>48</sup> Each was provided with a clerk, and their functions seem to have been about the same as those exercised in the earlier stages of their existence.

In the last session of this Assembly a committee was appointed "to inspect the laws expired and near expiring." This committee was a temporary one appointed to perform duties which were sometimes performed by one of the stand-

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<sup>44</sup> Journals of the House of Burgesses, 1761-1765, p. 18.

<sup>45</sup> *Ibid.*, 1766-1769, pp. 3, 4.

<sup>46</sup> *Ibid.*, 1770-1772, pp. 3, 4.

<sup>47</sup> *Ibid.*, 1773-1776, pp. 3, 4.

<sup>48</sup> *Ibid.*, 1712-1726, pp. 4, 5, 46, 78.



ing committees, and which were after the establishment of another standing committee—that for courts of justice—gradually to be assumed by it.<sup>49</sup> During this same session a committee of four members was appointed by the House of Burgesses whose duty it was to apportion the public levy, a duty comparable to that devolving upon the finance committee of modern legislative bodies.<sup>50</sup>

The session of 1715, which had lasted a little over one month when it was dissolved by Governor Spottswood, passed only three acts, none of them of very great importance; its time was largely taken up by a dispute between the House of Burgesses on the one side and the governor and the Council on the other. In this dispute feeling ran high on either side, and the executive indulged in some rather intemperate and ill-timed language toward those members of the House whom he deemed recalcitrant. This abuse, especially evident in his speech at the closing of the Assembly, seems to have been largely unmerited, for examination of the disputed questions will convince the unbiased student that the Burgesses were acting wholly within their rights as representatives of the people. As regards the duties and responsibilities of representatives toward their constituents, the Burgesses who opposed Governor Spottswood at this time seem to have held a higher and more advanced conception of representation than did either the chief executive or his council; and the main criticism directed against the offending representatives seems to have been the fact that they considered their duties to their constituents of first importance.<sup>51</sup>

The governor seems to have judged these men by the standards of representation then current in England, where "rotten boroughs" abounded, and where the people of many communities had only a virtual representation in Parliament; the burgesses believed that they were responsible to the con-

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<sup>49</sup> Journals of the House of Burgesses, 1712-1726, p. 103.

<sup>50</sup> *Ibid.*, p. 115.

<sup>51</sup> *Ibid.*, pp. 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 170, and Introduction to same by Dr. H. R. McIlwaine, pp. xxix-xxxiii.

stituencies who sent them up, and that the Virginia law had replaced the older English ideas of virtual representation by a system of direct election, in which every freeholder was compelled by law to vote. The old order had changed, yielding place to the new; and virtual representation, such as the mother-country believed in, had been changed in the colony into actual and real representation. In the closing part of the executive's address there is a protest against ideas of popular representation and an expression of a sentiment always believed in by the privileged classes,—the idea that only the classes with property and a great stake in affairs should dictate governmental measures. Even today this protest of Governor Spottswood has a familiar ring, for now as then such views are the rallying cry of privilege. In protesting against the measures of the burgesses who had opposed him the governor said:

This body of Gentlemen [the Council], as well as those few among you, who have all along dissented from your wild Proceedings [those of the burgesses who sided with the governor and the Council], must be allowed to have far greater concerns in *Virginia*, than all the Grand Governing Body of your House; so cannot be Suspected of having less at heart, than you, the Interest of the Country: and considering their parts and Stations, I must acknowledge them to be the best Judges thereof.

But to be plain with you, the true Interest of your Country, is not what you have troubled your heads about; all your proceedings have been calculated to Answer the Notions of the ignorant Populace; And if you can excuse your Selves to them, you matter not how you stand before God, your Prince, and all judicious men, or before any others to whom, you think, you owe not your Elections.<sup>52</sup>

One of the most interesting and exciting cases dealt with by the General Assembly at any session during its entire existence as a legislative body came up for consideration during this session,<sup>53</sup>—the question whether the justice of any county could refuse to certify to the Assembly properly signed propositions and grievances or public claims. On August 4, the second day of the session, two complaints were laid before the House of Burgesses; one complaint

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<sup>52</sup> Journals of the House of Burgesses, 1712–1726, p. 170.

<sup>53</sup> *Ibid.*, Introduction, pp. xxx–xxxii.

charged the justices of New Kent County with having refused to certify some propositions and grievances "from the County of *New Kent* Signed by Several of the Inhabitants of the Said County," which the clerk of the New Kent court, who was examined before the whole house touching the matter, testified had been refused by the justices of the said court.<sup>54</sup> The other complaint was against the justices of Richmond County, and grew out of the fact that several public claims of that county, which had been presented to the House uncertified, were excused on the grounds that the said justices had neglected to meet and hold the court for the certification of claims and of propositions and grievances as required by the law.<sup>55</sup>

As regards the certification of both public claims and propositions and grievances the law was plain and specific. The act of Assembly of October, 1705, which was still in force, provided that at the time and place of election of burgesses for each county the sheriff, or in his absence the under-sheriff, of the said county should at the door of the court-house by public proclamation, three times made between the hours of one and three in the afternoon, give notice of the time appointed for a court to be held for receiving and certifying for the next session of the General Assembly the propositions and grievances and the public claims of "all and every person or persons within his county." It was further provided that these propositions and grievances or public claims should be signed by the person or persons presenting them to the court; and thereupon the chief magistrate then present, or the clerk, by the direction of the court, was ordered to certify such documents up to the General Assembly, sending them to the burgesses of the county for presentation to that body.<sup>56</sup>

The act did not give to the justices the power of examining propositions, grievances, or public claims for the determination of their justice or validity. Their function seems

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<sup>54</sup> Journals of the House of Burgesses, 1712-1726, p. 124.

<sup>55</sup> Ibid., pp. 124, 125.

<sup>56</sup> Hening, vol. iii, pp. 245, 246.



to have been the purely administrative one of properly certifying the papers in question. The work of sifting these and determining which should be favorably considered was the function of the Assembly, which usually referred such business to the standing committees of public claims and of propositions and grievances. After the committees had reported favorably or unfavorably on the documents submitted to them by the Assembly, their reports were passed on by the House and then sent up to the Council for the concurrence of that body. Unless the justices of each county certified the public claims and the propositions and grievances presented to the court by the individuals of that county, there was no way of regularly presenting these claims to the General Assembly, and so these matters would not receive the attention of the legislature. The House of Burgesses acted promptly in the case of the complaints referred to above. On the day they were filed it ordered that the justices of the County of Richmond, who had neglected to hold the court for the certification of claims and of propositions and grievances, should be prosecuted by the attorney-general of the colony for the neglect of these duties, and that the claims from the County of Richmond should "be Referred to the Consideration of the Committee for Publick Claims to Examine the Matter thereof and Report the Same with their Opinion thereon to the House." After the clerk of the county court of New Kent County had been called in and examined by the House concerning the complaint from that county, it was ordered that the offending justices, Messrs. George Keeling, Richard Littlepage, Thomas Butts, and Alexander Walker, should be sent for in custody of the messenger of the House, and the speaker was ordered to issue his warrant accordingly.

On August 9 Richard Littlepage and Alexander Walker, who had been arrested by the messenger, were brought before the House for examination, after which they were ordered to make "an humble acknowledgment of their error at the bar of the House," and then receive the reprimand of

the speaker. Mr. Walker acted in accordance with the judgment of the Burgesses and was discharged from custody after he had paid the fees, but Mr. Littlepage obstinately refused to obey the commands of the House of Burgesses and was ordered to be kept in the custody of the messenger. On August 12 Mr. Littlepage and Mr. Butts, the latter of whom had in the meantime been placed under arrest but who had not as yet appeared before the bar of the House, made their escape. Upon being informed of their escape the House summoned before its bar the messenger who had been given the custody of the prisoners. After he had been examined he was judged guilty of a misdemeanor and of neglect in the execution of his office. Messrs. Littlepage and Butts were declared guilty of a "high misdemeanor and contempt of the authority" of the House, and it was ordered that they should be pursued and taken again into custody.<sup>57</sup> The execution of this order was assigned to a new messenger immediately commissioned by the governor. When the orders of the House had been communicated to Messrs. Littlepage and Butts, both of these gentlemen refused to give themselves up, saying that the House had no authority to send for them.<sup>58</sup> The messenger having informed the House of the refusal of the two justices to give themselves up, that body resolved "That an Humble Address be presented to the Governor that he would be pleased to give Such Orders and Directions as his Honour Shall think proper and necessary for the bringing of the said *Littlepage* and *Butts* before this house to Answer for their Repeated Contempts of the Authority of this House"; and it was ordered that the committee of elections and privileges should prepare and bring in the said address.<sup>59</sup> On the next day, August 16, Mr. Corbin, chairman of the committee of elections and privileges, reported this address, which was adopted, signed by the speaker, and sent up to the gov-

<sup>57</sup> Journals of the House of Burgesses, 1712-1726, pp. 130, 131, 135, 136.

<sup>58</sup> Ibid., Introduction, pp. xxx, 139.

<sup>59</sup> Ibid., p. 139.

ernor, the committee of public claims and the committee of elections and privileges having been appointed to present it. This address asked that the governor support the House by taking such steps as he might think proper in bringing before that body the recalcitrant justices.<sup>60</sup>

When the address was delivered to Governor Spottswood he returned a non-committal answer stating that his concern for the honor of the House of Burgesses would always be equal to their concern for the honor of their country, and that the executive power would vindicate the representatives of the people "Conformable to the Support they agree to afford it."<sup>61</sup> As this reply promised nothing and showed the irritation of the governor at the neglect of the House to vote, up to this time, the supplies he had asked for the assistance of South Carolina, it was resolved to send him a second address, asking that he be pleased to issue such immediate orders as he should deem most effectual for causing Littlepage and Butts to appear before its bar. Again the committee of elections and privileges was ordered to prepare the address, which was reported to the House on August 18. This second address Dr. McIlwaine<sup>62</sup> thinks was the work of Mr. Clayton, the chairman of the committee of propositions and grievances, who was most probably asked to prepare it for the committee of elections and privileges because he seems to have been the best writer in the House. It is a well expressed paper, setting forth in excellent language the reasons why His Honor was again appealed to, and begging that steps should be taken by the executive to preserve to the House its ancient rights and privileges, which the contumacy of the two fugitive justices threatened to subvert. The address, after being reported to the House by the committee of elections and privileges, was accepted by that body, transcribed, signed by the speaker, and taken to the governor by the committee of elections and

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<sup>60</sup> Journals of the House of Burgesses, 1712-1726, p. 140.

<sup>61</sup> *Ibid.*, p. 142.

<sup>62</sup> *Ibid.*, p. xxxi.



privileges, the committee of public claims, and seven members in addition.<sup>63</sup>

On August 19 Governor Spottswood sent to the House a written reply to the second address, his answer showing the same irritation that had been displayed in his verbal reply to the first address. After stating his sorrow and concern at the fact that the House had not yet granted the supplies for which he had repeatedly asked, he stated that he was ready to assist that body in maintaining its just rights and privileges but must be excused from aiding in any of its invasions of the royal prerogative, and that it had no right to erect itself into a court of judicature for the trial of the justices of the peace.<sup>64</sup> On August 20 the House took under consideration this written communication, and as a result of its deliberations adopted the following resolutions:

*Resolved* That the House have an undoubted Right of Receiving hearing and Redressing the Grievances of the Inhabitants of this Colony when legally Certified, and that *Richard Littlepage* and *Thomas Butts* two of the Justices of *New Kent* County Court at a Court held in the said County for Receiving and Certifying the Propositions and Grievances of the People and Inhabitants of the Said County, their Refusing to Receive and Certify the Propositions and Grievances of the People and Inhabitants of the said County is Arbitrary and illegal and a Subverting of the Rights and Libertys of the People.

*Resolved* That this House in sending for *Richard Littlepage* and *Thomas Butts* two of the Justices of *New Kent* County Court in Custody of the Messenger of this House, for their refusing to Receive and Certify the Propositions and Greivances of the People and Inhabitants of the said County Did not intend to Invade and are of Opinion have not Invaded any part of the Royal Prerogative.

*Resolved* That the said *Richard Littlepage* and *Thomas Butts* in Disobeying the Orders of this House, Escaping out of the Custody of the Messenger, and Contemning the Authority of this House, are Guilty of a great Misdemeanour and Contempt and ought to be Punished for the Same.

*Resolved* That the said *Richard Littlepage* and *Thomas Butts* ought to be compelled to appear and Answer their Said Misdemeanour and Contempt at the Bar of this House.

*Resolved* That a suitable address to the Governor be drawn up upon the Said Message.<sup>65</sup>

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<sup>63</sup> Journals of the House of Burgesses, 1712-1726, p. 144.

<sup>64</sup> Ibid., p. 143.

<sup>65</sup> Ibid., p. 145.

In accordance with these resolutions it was ordered that the committee of elections and privileges should prepare and bring in a suitable address to the governor, and three additional members were added to assist in the work. On Monday, August 22, this committee reported to the House the address that they had drafted, which was read, adopted by the House, transcribed, and signed by the speaker, and was sent to the governor by the committee that had prepared it and nineteen additional members appointed for that purpose.<sup>66</sup> The Burgesses reviewed their conduct during this session and defended their action on various matters, especially as regarded the case of the two justices in question. They protested that they had no desire or intention to invade the royal prerogative, nor any desire or claim to the privilege of appointing the justices of the peace. It seemed to them, however, "that when Justices in Cases where they are not Judicial but Ministerial only will Assume a Jurisdiction and by their Judgement Debarr the People and their Representatives of the Rightful ways and means prescribed by Law for Redressing their Grievances by Excluding them from a true Representation thereof. We believe that Such Matters do concern the Burgesses in Assembly and We rather incline to that Opinion because the Law has not made any other Provision in that Case."

With this address the Council did not agree, claiming in a written message sent to the House on August 23 that the Burgesses had tried to assume to themselves the entire power of hearing and redressing grievances, when in reality that power was lodged in the whole General Assembly.<sup>67</sup> On the next day the House considered this written message from the Council, and it was resolved that a written answer should be prepared by the committee of propositions and grievances. On August 25 Mr. Clayton, the chairman of this committee, reported to the House a very dignified reply to the Council in which that body was assured that it was not the intention of the Burgesses "to attempt to invade any

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<sup>66</sup> Journals of the House of Burgesses, 1712-1726, pp. 147, 148.

<sup>67</sup> Ibid., p. 148.

of the privileges of the upper house," and explaining to the councillors how certain propositions and grievances were sometimes directed to the House and sometimes not even directed at all. The address stated that the Burgesses would willingly transmit to the Council all such propositions and grievances as it might desire to inspect. This reply was presented to the Upper House by the committee of propositions and grievances, which had drafted the reply.<sup>68</sup>

In another message to the House, delivered on August 27, Governor Spottswood maintained that frequently propositions and grievances had in the past been received and considered by the General Assembly, even though they had failed to receive the attestation of the county courts. Such uncertified grievances, he pointed out, had been by no means barred by the House during this session. If the justices were not to use their judgment in distinguishing between those propositions and grievances which were baseless and those which were just, he saw no reason why they should be submitted to the court before they were sent to the Assembly. That this was probably the first instance in which the House of Burgesses had ever attempted to punish justices for presuming to judge of the truth or falsity of complaints of this nature was asserted by the governor, who declared himself opposed to assisting the Burgesses in making good an assertion of rights and privileges which exceeded any claimed by their predecessors.<sup>69</sup> In another set of resolutions, adopted on September 2, the members of the House asserted that their only motive in following the course they had pursued was their desire to support the rights and liberties of the people against those who sought "to deprive them of the benefit given by law;" that the grievance from New Kent contained nothing false or seditious; that the justices of that county, as the first to refuse the certification of such papers, ought to be punished at the bar of the House; and that the governor's refusal to aid

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<sup>68</sup> Journals of the House of Burgesses, 1712-1726, pp. 148, 149, 150.

<sup>69</sup> Ibid., pp. 152, 153.



in compelling the recalcitrant justices to appear before the House denied to that body their "just rights and privileges."<sup>70</sup> The Council sided with the governor in a long message delivered on the last day of the session, and Spottswood, in a long address<sup>71</sup> delivered just before he dissolved the Assembly, went over most of the ground covered by his former arguments, but in a less vehement manner than in this last remarkable speech. Of this speech Dr. McIlwaine says: "Leaving aside the spirit in which it was conceived, the address of the governor made at the close of the session gives a good summary of the attempted legislation. This speech is, however, bitter, unfair, and insulting to the opponents of the governor, most, probably all, of whom were as honest as the governor himself, and many of whom were as sagacious."<sup>72</sup>

In this session there was an interesting case which illustrates the workings of the committee of elections and privileges in passing on the election and qualifications of members of the House of Burgesses, that of Messrs. William Cole and Cole Diggs, who had been returned as burgesses from Warwick County. During their canvass these gentlemen had made preelection promises that they would not draw any salary if elected burgesses. When these promises were reported to the House, the matter was referred to the committee of elections and privileges for investigation. The result of this investigation was a report declaring that the charges against Messrs. Cole and Diggs had been investigated and found true. Accordingly these gentlemen were declared not duly elected, and the governor was asked to issue writs for a new election. At this election these gentlemen were returned by their constituents, and their credentials were this time accepted by the committee of elections and privileges, which declared them duly elected.<sup>73</sup> As these representatives from Warwick were among the small

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<sup>70</sup> Journals of the House of Burgesses, 1712-1726, pp. 159, 160.

<sup>71</sup> Ibid., pp. 164, 165, 166, 167, 168, 169, 170.

<sup>72</sup> Ibid., Introduction, p. xxxiii.

<sup>73</sup> Ibid., pp. 126, 128, 141.

number of supporters of the governor in the House of Burgesses, Spottswood seems to have been incensed that the House had unseated them, and in his message of August 27, above alluded to, he criticized the Burgesses for their action in the matter. The Burgesses in their resolutions of September 2 affirmed that they had acted in accordance with the laws of the colony for regulating the election of burgesses. To this the Council replied that there was no law in Virginia to prevent a candidate from offering to serve without pay, and the governor, in his closing address, commented in a sarcastic manner on the incident.<sup>74</sup> However, in this matter the House of Burgesses was undoubtedly in the right, for the law distinctly disabled any one from sitting as a member who made a gift of money or anything else or promised any gift or reward to any "person or persons in Particular" or to any "county, Town, or corporation in general." As each county at that time paid the salaries of its two representatives in the House of Burgesses, the offer of service without salary was a promise of reward to the county.<sup>75</sup>

During this session the three standing committees were as follows: elections and privileges, five members; public claims, twelve members; and propositions and grievances, eleven members.<sup>76</sup> Throughout the session these committees were very active in the transaction of the routine business usually assigned to them; in addition, as has already been shown, they performed other duties of a special character, but in a manner growing out of the nature of their relation with the usual work of the committees.

During the two sessions of 1718 and the two sessions of 1720-1722 the standing committees were regularly appointed. On April 23, 1718, the standing committees were named, consisting of the committees for elections and privileges, public claims, and propositions and grievances, with

<sup>74</sup> Journals of the House of Burgesses, 1712-1726, pp. 152, 153, 159, 160, 164, 165, 166, 167, 168, 169, 170.

<sup>75</sup> Henning, vol. iii, p. 243.

<sup>76</sup> Journals of the House of Burgesses, 1715, pp. 123, 138.

five, eleven, and eleven members respectively.<sup>77</sup> At the second session of this Assembly these same standing committees were reappointed with substantially the same membership, both in number and personnel.<sup>78</sup>

In the first session of 1720-1722, the last Assembly to be held during the governorship of Spotswood, the usual standing committees were appointed on November 3, 1720: elections and privileges with five members; public claims, eleven members; and propositions and grievances with thirteen members. At the second session, convened May 9, 1722, the committees of the former session were revived by order of the House of Burgesses.<sup>79</sup>

On May 10, 1723, at the beginning of the first session of the Assembly of 1723-1726, the three standing committees were appointed, and for the first time a statement of the functions of each committee follows the list of members. Seven members were appointed to the committee of privileges and elections,<sup>80</sup> and the journal states that "they are to meet as often as they find it Necessary and to take into their Consideration All such Matters as shall be or may come in Question touching Returns Elections and Privileges and to report their proceedings with their Opinions therein to the House from time to time and the said Committee is to have power to Send for Witnesses Persons Papers and Records for their Information." Eleven members were named as a committee for public claims, "and the said committee are to meet and to take into their Consideration all matters concerning the public Claims of the Country and to report their proceedings with their Opinions therein to the House and the said Committee is to have power to Sit from day to day and to send for Persons Papers and Records and they are to inspect the Report of the Committee for Publick Claims of the last session of Assembly and make

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<sup>77</sup> Journals of the House of Burgesses, 1718, pp. 175, 176.

<sup>78</sup> *Ibid.*, p. 221.

<sup>79</sup> *Ibid.*, 1720-1722, pp. 251, 230.

<sup>80</sup> *Ibid.*, 1723-1726, p. 361. The first time the name is written "privileges and elections." Heretofore the Journals have it "elections and privileges."



report to the House of any matter they shall find therein necessary to be further Considered this Session." Thirteen burgesses were named as the committee for propositions and grievances, and it was stated that "they are to meet and to take into their Consideration All Propositions and Grievances wch. shall be Offered to the Assembly and to report their proceedings with their Opinions therein to the House from time to time And the said Committee is to have power to Sit from day to day and to Send for Persons Papers & Records."<sup>81</sup> In the second session, which did not meet until May, 1726, the standing committees appointed in the first session were revived.<sup>82</sup>

During the latter years of Governor Spottswood's incumbency he was on bad terms with the majority of the burgesses, and in the session of 1718 not only the majority party in the House, but several members of the Council seem actively to have opposed him. However, things ran more smoothly during the last General Assembly held while he was governor of Virginia, and whether the pacification that had been brought about between the pro-administration and anti-administration factions was superficial or not, at least there were no violent outbreaks such as had characterized the session of 1718. The Assemblies held during the twenty-two years in which William Gooch held the office of lieutenant-governor of the colony were characterized by cordial relations between the executive and the people whom he had been sent to govern. An examination of the opening and closing speeches made by Governor Gooch in any of the sessions held during his term of office will show the good feeling which he had for the members of the House of Burgesses, a feeling which seems to have been reciprocated.

At the first session of 1727-1734 the standing committees of privileges and elections, public claims, and propositions and grievances were appointed, consisting of seven, ten, and eleven members respectively. The duties of each were

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<sup>81</sup> Journals of the House of Burgesses, 1723-1726, pp. 361, 362.

<sup>82</sup> Ibid., p. 400.

stated, and in addition to its regular work the committee of propositions and grievances was ordered "to inspect the Journals of the last Session of the last Assembly, and to prepare and draw up a State of the Matters then depending and undetermined, and the progress that was made therein, and to report the same to the House. And they are also to examine what laws have expired since the last Session of the last Assembly, and to inspect such temporary Laws as will expire at the end of this Session of Assembly and Report the same to the House with their opinions which of them are fit to be revived or continued."<sup>83</sup> The assigning to the already hard-worked committee of propositions and grievances of these duties, which later were given to the committee for courts of justice, rendered it the busiest in the House, although the smaller committee of privileges and elections, with a large number of contested election cases in this session, was also an exceedingly busy one.

In his address at the opening of this session Governor Gooch had urged upon the General Assembly the importance of "agreeing upon some methods to prevent delays in the Courts of Justice, so very obvious & inconvenient to the People in general," and following his recommendation the House of Burgesses, on February 10, 1727, appointed a committee for courts of justice, consisting of the attorney-general as chairman and six other members. The resolution appointing this committee states that "they are to sit in the Clerk's Office, and to inquire into the methods of proceedings in the Courts of Justice and the occasions of the delays therein, and to prepare a Bill for amending the defects of the Laws now in force relating to the several Courts of the Colony, and for the expediting of Business: And the Com'ee are to appoint a Clerk to attend them, and to have power to send for persons, papers & Records for their information."<sup>84</sup> In the second session of this Assembly all

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<sup>83</sup> Journals of the House of Burgesses, 1727-1740, pp. 5, 6. See pp. 9, 16, for two additions to committee of propositions and grievances, and p. 18 for an addition to that of privileges and elections.

<sup>84</sup> *Ibid.*, pp. 5, 6, 16, 17.

of the standing committees of the preceding session were revived, namely, privileges and elections, propositions and grievances, public claims, and courts of justice; and the continuance of the last named along with the three well established and usual standing committees shows that it was already considered important enough to be a permanent addition to the standing committee system.<sup>85</sup>

The third session was begun May 18, 1734, and on the second day the House of Burgesses revived its four standing committees as follows: privileges and elections, consisting of five members; propositions and grievances, twelve members; courts of justice, twelve members; and public claims, eleven members.<sup>86</sup> These four committees with substantially the same membership were revived in the fourth and last session, which was called together in August, 1734.<sup>87</sup> The committee for courts of justice was also instructed to inquire "into such Temporary Laws as may be near expiring after the End of this Session of Assembly; and report their Opinion to the House, which of them are fit to be continued."<sup>88</sup> On August 30 the treasurer's accounts were referred for examination to the same committee, which was ordered to report to the House the balance in the hands of the treasurer.<sup>89</sup> Further idea of the importance of the newly appointed committee for courts of justice is shown by the number of matters referred to it during this session.

Notwithstanding the stubborn opposition of both the Council and Governor Spottswood to the action of the House of Burgesses in 1715 in taking cognizance of justices who refused to certify propositions and grievances to the General Assembly, it appears that by 1727 its right to reprimand justices who refused to certify petitions or claims presented to them according to law was clearly recognized, even where the matter of the petition was known to the justices to be false. As the House of Burgesses had con-

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<sup>85</sup> Journals of the House of Burgesses, 1727-1740, pp. 59, 61.

<sup>86</sup> Ibid., pp. 117, 118.

<sup>87</sup> Ibid., pp. 172, 173, 174.

<sup>88</sup> Ibid., p. 180.

<sup>89</sup> Ibid., p. 183.



tended in the case of the New Kent justices in 1715, the function of the courts in certifying petitions, claims, and propositions and grievances was not a judicial but purely a ministerial one. The right of punishing the justices who refused to certify such papers was exercised in 1727 in the case of James Wallace and Jacob Walker, who were reprimanded before the bar of the House, and dismissed from custody after paying costs.<sup>90</sup> For similar offences on the part of the justices the House exercised the right of inquiry and punishment repeatedly during subsequent General Assemblies, seemingly without further question on the part of either the Upper House or the executive.

Of the General Assembly of 1736-1740 there were likewise four sessions, the long ones being as follows: August 5 to September 22, 1736, November 1 to December 21, 1738, and May 22 through June 16, 1740; a short session lasted from August 21 to August 29, 1740. The House of Burgesses elected to this General Assembly was the largest one that had yet represented the colony, being composed of seventy-one representatives; its size probably accounts in part for the fact that its standing committees had a larger membership than at any time previous, although the fact that the legislative needs of a rapidly growing colony made the committee duties more onerous would also help to account for the increase in the size of their membership. When the committees were appointed at the opening session, twelve members were assigned to the committee of privileges and elections, heretofore never larger than from five to seven members; thirteen were named as a committee of public claims, usually consisting of about ten members; while the committees of propositions and grievances and of courts of justice were composed of eighteen and seventeen members, respectively, about double their former membership.<sup>91</sup>

An examination of the journals of the General Assembly of 1736-1740 would seem to indicate that a well established rule of seniority was applied to these standing commit-

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<sup>90</sup> Journals of the House of Burgesses, 1727-1740, p. 17.

<sup>91</sup> *Ibid.*, pp. 244, 245.

tees, as regards the chairman and ranking members of each. To make this clear let us examine the revival in the second session of the standing committees appointed in the first. In the first session the committee of privileges and elections had consisted of the following members: Conway (chairman), Robinson, Harrison, Corbin, Randolph, Acrill, Fitzhugh, Waring, McCarty, Walke, Boush, and Burwell. As revived in the following session it was composed of Conway (chairman), Harrison, Corbin, Randolph, Fitzhugh, Waring, McCarty, Walke, Burwell, and Allen. It is easy to account for the absence of Robinson's name, for that gentleman had succeeded to the speakership upon the death of Sir John Randolph, who had been speaker in the first session, and his promotion to the place of presiding officer had rendered him ineligible to this committee. William Acrill had died before the convening of the second session. Just why the name of Boush is missing is not clear. He was certainly present at this meeting, but from the fact that on December 9 he was allowed to go home for the recovery of his health it is a reasonable conjecture that he was excused from committee duties on account of sickness. Mr. Baradall, the attorney-general, who had succeeded Sir John Randolph, deceased, as representative of the College, was added to this committee.<sup>92</sup>

The members of the claims committee in the first session were Blair (chairman), Price, Bowdoin, Harmanson, Sweny, Turner, Ball, Beverley, Buckner, Haynes, Eaton, Claiborne, and Scarburg. As far as its ranking members were concerned, this committee as revised in the second session was exactly the same, the only change in its personnel being below the first six members. The committee for courts of justice had the same chairman in both of these sessions, Mr. Corbin, and the members serving were substantially the same. During the first session Mr. Robinson had been chairman of the important committee of propositions and grievances, with Mr. Corbin the next in line; Mr. Corbin,

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<sup>92</sup> Journals of the House of Burgesses, 1727-1740, pp. 244, 321, 325, 271.

however, was already chairman of the committee for courts of justice, and when Mr. Robinson became speaker of the House during the second session of this Assembly Mr. Fitzhugh, another member of the committee of propositions and grievances, was made chairman in Mr. Robinson's place.<sup>93</sup>

In the first session of the General Assembly of 1736-1740 a standing committee consisting of Messrs. Carter, Acrill, Fitzhugh, Harrison, and Waring was appointed "to prepare and draw up a State of that Duty, the duty on slaves imported into the colony and the several Payments that have been made, with the Amount thereof."<sup>94</sup> It was provided with a clerk, and became so important that it was revived in the other two long sessions of this General Assembly, and in the General Assembly of 1742 it became the standing committee of trade, which was made one of the regular system of committees. In the three sessions of 1736-1740 this committee consisted of five members, its personnel undergoing one change only, Mr. Beverley taking the place of Mr. Acrill on the death of the latter.

In the third session of this General Assembly all of the standing committees were revived. Three of the committees—privileges and elections, propositions and grievances, and the committee appointed to prepare and draw up a state of the duty upon slaves, and so on—retained the same chairmen, while more recent appointees had risen to the head of the other committees. Mr. Barradall, the attorney-general, was made chairman of the committee for courts of justice, and Mr. Beverley was appointed chairman of the committee of public claims. Both of these new committee heads seem to have been able and active burgesses, and the fact that a newly appointed member like Mr. Barradall could so soon rise to the headship of an important committee would seem to argue that the seniority rule did not bar the way to the rapid rise of an able legislator. However, the general rule seems to have been the gradual rise

<sup>93</sup> Journals of the House of Burgesses, 1727-1740, pp. 244, 245, 321, 322.

<sup>94</sup> *Ibid.*, pp. 250, 322, 394.



to the leadership of the committee through service on that committee. It is also interesting to note that the House of Burgesses in this session ordered that seven of the committee of propositions and grievances and five of all the other committees should constitute a quorum. This marked the beginning of a customary regulation of the number of committee-men sufficient for the transaction of legislative business, and established a precedent for future sessions.<sup>95</sup>

As soon as the General Assembly of 1742-1747 was called together for its first session, the House of Burgesses elected its speaker and appointed the five regular standing committees.<sup>96</sup> To the committee of privileges and elections eleven members were assigned, sixteen to the committee for courts of justice, nine to the committee of trade, fifteen to the committee of public claims, and twenty-eight to the committee of propositions and grievances. The number appointed to these committees corresponded fairly well to the volume of business referred to each of them, as an examination of the journal will show. The House, however, did not transact all of its business through these standing committees, but appointed special committees as the occasion required; and for the discussion of especially important matters use was made of the committee of the whole. At this session, as had become the custom, the speech of the governor—today this would be called the governor's message—was discussed in the committee of the whole, and the continuation and improvement of the all-important tobacco law, one of the questions brought to their attention by the governor, was thus considered many times after the first draft of the bill had been submitted to the House by a special committee appointed for that purpose.<sup>97</sup>

Among the special committees named the following were important, as can be judged by the subjects with which they had to deal: the special committee appointed on June 11 to

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<sup>95</sup> Journals of the House of Burgesses, 1727-1740, p. 394.

<sup>96</sup> Ibid., 1742-1749, pp. 5, 6, 7.

<sup>97</sup> Ibid., pp. 5, 6, 7, 13, 36, 38, 40, 42, 43, 44, 45, 46, 49, and Introduction, p. xv.

examine the treasurer's accounts, a similar committee being named at each regular session; the committee chosen on June 16 for "proportioning the public levy," a committee which appears with great frequency; and a committee named the same day for "examining the inrolled bills," one which appears not infrequently in the journals.<sup>98</sup>

During the second session, which convened in September, 1744, and in the third session, called together in February, 1746, the regular standing committees were revived with substantially the same membership as in the first session, there being only slight variations in number of members and personnel.<sup>99</sup> In the short session of July, 1746, in which none of the regular standing committees were appointed, and in that called in March, 1747, in which only the committee of privileges and elections was revived, the standing committees did not figure very largely. These sessions were held to enact emergency legislation, and little other business was transacted.<sup>100</sup>

The General Assembly of 1748-1749 held only one session, a long one which lasted from October 27 to December 17, 1748; on that date a recess was taken until March 2, 1749, when the session was resumed and continued through May 11 of the same year. This was an extremely busy session, the committee for the revision of the laws having reported their work, and much of the regular routine work having been carried over from the short sessions of the preceding assembly,—special sessions in which little of the regular legislative business was considered. Many of the propositions and grievances and public claims that had been carried over came up for consideration in this Assembly, and these, added to the papers of a similar nature intended for the newly chosen Assembly, rendered the work of the com-

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<sup>98</sup> Journals of the House of Burgesses, 1742-1749, pp. 11, 63.

<sup>99</sup> Ibid., pp. 77, 78, 80, 156, 157.

<sup>100</sup> Ibid., pp. 225, 226, 235, 236. The reasons for calling the special sessions were to raise an appropriation of £4000 to procure men for an expedition into Canada, and to consider measures to rebuild the capitol of the colony at Williamsburg, it having been destroyed by fire.

mittees of propositions and grievances and of public claims unusually heavy. To the committee for courts of justice fell a large amount of the extra work connected with the consideration and adoption of the report of the committee on revisal of the laws. This report was in three parts: first, it advised the repeal of twenty-one acts that had become obsolete, useless, or were otherwise provided for, citing the acts in a list following the resolution recommending their repeal; second, it recommended that certain other laws be allowed to remain in force without amendment, naming thirty-six acts to be so treated; and third, it presented in the shape of bills for the action of the House the other laws then in force, these bills being either a law amended or several laws on the same subject consolidated into one bill. The first and second recommendations of the committee for revisal were at once agreed to, the committee for courts of justice being ordered to bring in a bill for the repeal of the acts listed in the first section of the report, while the acts listed in the second section continued in force *ipso facto*, as their time had not expired.<sup>101</sup> Later in the session the House determined to transfer to class one a law put by the committee on revisal into class two, and ordered the committee for courts of justice to include it in the bill for the repeal of the laws that had become useless.<sup>102</sup>

The bill for repealing several acts of Assembly was reported to the House by the committee for courts of justice on May 4, and in a few days passed both houses of the Assembly and received the governor's signature.<sup>103</sup> As the bills were presented by the committee of revisal they were from time to time introduced into the House to suit the convenience of that body. In their passage through the House these bills were subjected to the same forms of procedure as were other bills; they had to go through three readings, were sometimes considered by the committee of

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<sup>101</sup> Journals of the House of Burgesses, 1742-1749, pp. 277, 278, 280, 281, xxix, xxx.

<sup>102</sup> *Ibid.*, p. xxix.

<sup>103</sup> *Ibid.*, pp. 389, 396, 397, 400, 405.



the whole, were frequently amended, and in some instances were refused passage. In their consideration of these bills the Council also followed its usual procedure, making amendments of its own and when it thought proper rejecting the amendments of the House. There was an enormous amount of work connected with the consideration of the vast number of bills which the Assembly considered in this session; for besides the eighty-nine bills that finally received the executive signature and became law, not a few bills that were introduced were thrown out at various stages of the legislative procedure. As only permanent and public acts had been considered by the committee for revisal of the laws, the committee for courts of justice had at this session to review all the temporary and private laws to see which were about to expire and to recommend the continuance of those it deemed necessary. This statement will serve to show that the committee for courts of justice was a very busy committee when this special function was added to its usual duties.

During this session the various standing committees were made up of the following number of members: privileges and elections, fourteen; propositions and grievances, thirty-two; public claims, seventeen; courts of justice, eighteen; and trade, seven.<sup>104</sup> The small number of the last named committee can be accounted for by the fact that there was not so much business before its members as came before the other older standing committees. As a rule the heavier the work of a committee the larger the number of members appointed to it; and members were not infrequently added to the various committees from time to time during the session as an accumulation of business might require.

Of the General Assembly of 1752-1758 there were eight sessions, the first, second, and sixth of which seem to have been used for the conduct of regular legislative affairs, while the others were shorter special sessions, called in order to provide for expeditions against the French and their

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<sup>104</sup> Journals of the House of Burgesses, 1742-1749, pp. 258, 259.

Indian allies along the frontier. In each of the regular sessions the usual committees were appointed. The standing committees of the first session were as follows: privileges and elections, fourteen members; propositions and grievances, thirty-four members; public claims, twenty-five members; courts of justice, twenty-one members; trade, nine members. Eleven members of the committee of propositions and grievances and five of any other committee was decided on as a quorum for the transaction of business.<sup>105</sup> The same committees with few material changes in membership appear in the second session, having been appointed on November 5, 1753; and in the sixth session, which began May 1, 1755, the five committees were appointed without many changes in their personnel.<sup>106</sup>

The third session of this General Assembly was called by Dinwiddie on February 14, 1754, although the former session had been prorogued to April of that year. The reason of this haste in convening it for another session was the report of Major George Washington on his mission to the French commander in the disputed territory on the Ohio, which had just been received by Governor Dinwiddie. In his opening address the governor asked that the Assembly vote a supply for the purpose of aiding the king to establish his claim to the lands in dispute. In this session the regular standing committees were not appointed, the House of Burgesses devoting most of its time to the raising of the supply for which it had been called together.<sup>107</sup> This supply was voted in an "act for the encouragement and protection of the settlers upon the Waters of the Mississippi" which provided that the treasurer should be empowered to borrow £10,000 at six per cent interest, which was to be spent in giving protection to the western settlers, and which provided for the payment of this borrowed money and the interest thereon by placing an additional duty of five per

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<sup>105</sup> Journals of the House of Burgesses, 1752-1758, pp. 6, 7.

<sup>106</sup> Ibid., pp. 107, 108, 234, 235, 237.

<sup>107</sup> Ibid., pp. 175, 176, 177

cent on slaves imported, and by taxes on vehicles, on licenses on ordinaries, and on various legal documents.<sup>108</sup>

To supervise the expenditure of this sum the law named a committee of directors who

shall, from time to time, with the consent and approbation of the governor or commander in chief, for the time being, direct and appoint how the said money shall be applied, towards the protecting and defending of his Majesty's subjects, who are now settled, or hereafter shall settle, on the river Mississippi, and that the said directors shall, as often as there shall be occasion of money for the use of the aforesaid, apply themselves to the governor, or commander in chief for the time being, to issue out his warrants to the said treasurer to pay so much money as shall be wanting for the purpose aforesaid, who is hereby required to pay the same accordingly.<sup>109</sup>

This committee of directors was a joint committee from the two legislative branches, which was to serve with the governor in using the fund appropriated in the act. It was a standing recess committee which should speak for the legislature in the use of money raised by it for specific purposes. Dinwiddie objected to the appointment of this committee as an encroachment on the prerogative, as it quite probably was; but the House could plead as a precedent the act of 1746 for raising £4000 to be used in the expedition against Canada, in which a similar committee had been named.<sup>110</sup> The House of Burgesses seemed determined that the principle back of the fact that a money bill must originate in the House should be broadened to allow the agents of the General Assembly supervision over the expenditure of money raised in the colony. It is significant that both the committee appointed in the act of 1746 and that named in the act of 1754 were controlled by the House of Burgesses.

The eighth and last session of this General Assembly was a short "extra" one. The most interesting act passed was the first of the series of acts known as the "Two-Penny Acts." This act of 1755, while not far-reaching in its

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<sup>108</sup> Hening, vol. vi, pp. 417, 418, 419, 420.

<sup>109</sup> *Ibid.*, p. 418.

<sup>110</sup> *Ibid.*, vol. v, pp. 401, 402, 403, 404.



effects, led to the passage of other legislation of a similar nature, culminating in that of 1758, out of which grew the famous "Parsons' Cause." On November 4, 1755, the House ordered that "leave be given to bring in a bill for supplying the deficiencies of the several funds for the protection of this Colony against the encroachments and depredations of the French and Indians, and for advancing and securing the public credit." In the regular manner this bill was brought in by the committee appointed to draft it, passed by the House, and sent to the Council, which refused its concurrence in the measure. On the day of its rejection by the Council, Dinwiddie dissolved the Assembly.<sup>111</sup> The reasons for his hasty dissolution he has given in his correspondence. In a letter to Governor Dobbs of North Carolina he stated that the House wished by means of this bill to set up a loan office and to emit £200,000 paper money. To the Board of Trade he wrote that the money was to be issued for eight years and without proper security; that he had given his assent to the two former issues of paper money because the emergency required it in each case and because each issue was for a short period and well secured; the issue proposed in this bill would be, he thought, pernicious to the credit of the country. He also stated that the members had become very irregular in their attendance on the meetings of the House, and that they had begun "again to be troublesome and factious." Therefore he had determined to dissolve the present Assembly and take his chances with a new election.<sup>112</sup>

This new General Assembly, that of 1756-1758, met for its first session on March 25, 1756, and the session continued until May 5. Out of a possible one hundred and four members of the House of Burgesses there were present eighty-five. A comparison of its list of members with

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<sup>111</sup> Journals of the House of Burgesses, 1752-1758, pp. 328, 329, 330, 331, 332.

<sup>112</sup> *Ibid.*, pp. xxiv; The Official Records of Robert Dinwiddie, Collections of the Virginia Historical Society, vol. ii. pp. 266, 269. Cited as Dinwiddie Papers.

that of the last session of 1752-1755, made by Dr. McIlwaine,<sup>113</sup> shows a change of about thirty-eight per cent in the membership of the House. As most of the old leaders were returned, it would seem that the change of personnel was of no great assistance to the governor, for the House of Burgesses insisted on serving the country according to its own ideas. At the opening session only one of the usual standing committees was appointed—the committee of privileges and elections<sup>114</sup>—and the House did not take up any of the usual business, devoting most of its time to the emergency legislation for which it had been called together. At the second session, which was also a special session, and a much shorter one besides, none of the regular standing committees were appointed and the regular business was carried over.

In the third session, which convened April 18, 1757, the five usual standing committees were appointed: privileges and elections, seventeen members; propositions and grievances, twenty-eight members; public claims, sixteen members; courts of justice, fourteen members; trade, eleven members. It was resolved that eleven of the committee of propositions and grievances and five of the other committees should be a quorum sufficient for the transaction of committee work, and that the "several Clerks to the Committees be continued in their respective Offices."<sup>115</sup> This was the last session to be held under the incumbency of Dinwiddie. He left the colony in January, 1758, and as his successor, Francis Fauquier, did not reach the colony until the 7th of June the last short session of this Assembly was called by the president of the Council, John Blair, who was ex-officio governor until the arrival of Governor Fauquier. At this session no standing committees were appointed, and only emergency legislation to provide supplies and troops was passed.

The General Assembly of 1758-1761 held seven sessions.

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<sup>113</sup> Journals of the House of Burgesses, 1752-1758, p. xxv.

<sup>114</sup> Ibid., p. 338.

<sup>115</sup> Ibid., pp. 417, 418, 419.

At the first of these, that of September–October, 1758, only the committee of privileges and elections was appointed, the main attention of the Assembly being given to such business as was absolutely necessary, and the propositions, grievances, and claims being referred to the succeeding session.<sup>116</sup> In the second session, which lasted only three days and of course transacted only war business, no standing committees were appointed.<sup>117</sup> It was not until the third session, February 22 to April 14, 1759, that the regular system of committees was again appointed.<sup>118</sup> This was a fairly long session, and with the business carried over from the preceding sessions, together with the regular business of this session, the committees seem to have found much work on their hands. In the fourth, fifth, and sixth sessions, held for short periods in November, 1759, and in March and May, 1760, no regular business except that of the utmost importance seems to have been transacted and no standing committees of the House were appointed.<sup>119</sup> The postponement of work from these short sessions carried over considerable business to the seventh session, which became the longest up to this time, lasting more than six months; it included a recess period of about one and a half months, during which time the Assembly was held over to act on the revisal and renewal of the important tobacco law, which could not be considered before the regular time for the prorogation. Hence the prorogation was changed into an adjournment which kept the Assembly in session until the business of the general court had been transacted and the governor and the Council, who composed that judicial body, could join the House of Burgesses in legislative business.<sup>120</sup> Most of the regular business of the session being postponed until after the recess, the regular standing committees were not appointed until that time. This session

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<sup>116</sup> Journals of the House of Burgesses, 1758–1761, pp. 5, 6, 7.

<sup>117</sup> *Ibid.*, pp. 49, 50, 51, 52.

<sup>118</sup> *Ibid.*, pp. 57, 58, 59.

<sup>119</sup> *Ibid.*, pp. 133–179.

<sup>120</sup> *Ibid.*, pp. xi, 184, 185.



was a busy one, as the thirty-one acts passed will testify.<sup>121</sup> Governor Fauquier's speech at its closing shows that he regarded the House of Burgesses as composed of highly capable and honest men.<sup>122</sup>

The first three sessions of the General Assembly of 1761-1765 were short ones in which none of the regular standing committees were appointed save the committee of privileges and elections, which was named in the first session. It was not until the fourth session, which began in November, 1762, that all five of the regular standing committees were again named. There was a large amount of business to be transacted and the committees were very busy, as is shown by the fact that most of them were larger than ever before. The committees of this session were as follows: privileges and elections, Richard Bland, chairman, twelve members; propositions and grievances, Peyton Randolph, chairman, thirty members; public claims, Archibald Cary, chairman, eighteen members; courts of justice, Edmund Pendleton, chairman, ten members; and trade, Benjamin Harrison, chairman, sixteen members.<sup>123</sup>

In the session of October, 1764, the same committees were appointed with the same chairman for each. Their membership was greater than in the session just mentioned; the House of Burgesses had grown to be a large body with the creation of new counties in the "up country," and the legislative needs of the growing colony were rapidly multiplying as the population increased. In this session the committees were as follows: privileges and elections, nineteen members; propositions and grievances, forty-three; public claims, twenty-seven; courts of justice, nineteen; and trade, ten.<sup>124</sup>

In the session of the General Assembly of 1766-1769 the standing committees were appointed, and both their size and the prominence given them in the transaction of the

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<sup>121</sup> Journals of the House of Burgesses, 1758-1761, pp. 199, 201, 202, 194, 196, 256, 257.

<sup>122</sup> *Ibid.*, p. 258.

<sup>123</sup> *Ibid.*, 1761-1765, pp. 68, 69, 70.

<sup>124</sup> *Ibid.*, pp. 230, 231.

legislative business show how great a part they now played in the procedure of the Lower House. Already the vast bulk of the legislative work—most of the routine duties and many special duties—was performed by them. In the session of 1766 the standing committees were: privileges and elections, eighteen members, Edmund Pendleton, chairman; propositions and grievances, forty-five members, Richard Bland, chairman; public claims, twenty-nine members, Archibald Cary, chairman; courts of justice, twenty-three members, Richard Henry Lee, chairman; and trade, sixteen members, Benjamin Harrison, chairman.<sup>125</sup>

In the session of 1769 the five regular committees were appointed, the same members serving as chairmen who had served in the session of 1766. However, another standing committee appears in this session,—the committee for religion, with Robert Carter Nicholas, the treasurer of the colony, at its head.<sup>126</sup> With the growth of dissent and the increasing dissatisfaction with the vestries of many of the parishes, so many complaints and propositions and grievances were coming up to the House of Burgesses that another standing committee was created to consider these petitions. From its first appearance to the end of the colonial period it was continued as one of the regular committee system.

During the next General Assembly no standing committees were appointed until February, 1772, when the six regular ones were named as follows: privileges and elections, twenty-one members, Edmund Pendleton, chairman; propositions and grievances, thirty-two members, Richard Bland, chairman; public claims, eighteen members, Archibald

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<sup>125</sup> Journals of the House of Burgesses, 1766-1769, pp. 14, 15, 16.

<sup>126</sup> *Ibid.*, pp. 228, 229. Jameson, *The Origin of the Standing-Committee System*, says: "In the memorable session of 1765 a committee of religion was added" (p. 263). Dr. Jameson gives as authority for this statement the Journals of the House of Burgesses, 1732-1774. A search through the journals for the year 1765 shows that no standing committee for religion was appointed in that year. The committee for religion does not appear as a standing committee until 1769. After this date the committee seems to have been one of the regular system of committees.

Cary, chairman; courts of justice, sixteen members, John Woodson, chairman; trade, nineteen members, Benjamin Harrison, chairman; and religion, twenty-two members, Robert Carter Nicholas, chairman.<sup>127</sup> At the session of March, 1773, none of the regular standing committees were named except the committee of privileges and elections, which was headed by the same chairman, and composed of practically the same members as in the preceding Assembly. It was not until May, 1774, that the regular system of standing committees was again named, as follows: privileges and elections, twenty-four members, Edmund Pendleton, chairman; propositions and grievances, thirty-seven members, Richard Bland, chairman; public claims, twelve members, Richard Lee, chairman; courts of justice, ten members, Richard Henry Lee, chairman; and religion, twenty-eight members, Robert Carter Nicholas, chairman.<sup>128</sup>

The last session of the colonial House of Burgesses at which the standing committees were appointed was the session of June, 1775, when they were made up of the following members: privileges and elections, twenty-five members, Dudley Digges, chairman; propositions and grievances, fifty-six members, Thomas Jefferson, chairman; public claims, twenty members, Archibald Cary, chairman; courts of justice, twenty-five members, Joseph Jones, chairman; trade, nineteen members, Thomas Nelson, chairman; religion, forty members, Robert Carter Nicholas, chairman.<sup>129</sup>

There is scarcely room to doubt the English origin of the system of standing legislative committees, the development of which has been traced in the proceedings of the Virginia House of Burgesses. In the House of Commons there existed for many years a system of standing committees, several of which were closely analogous in name and function to some of those employed in the Virginia House of Burgesses. The prototype of the committee of privileges and elections was unquestionably the Commons committee

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<sup>127</sup> Journals of the House of Burgesses, 1770-1772, pp. 157, 158.

<sup>128</sup> Ibid., 1773-1776, pp. 75, 76.

<sup>129</sup> Ibid., pp. 177, 178, 179.



of privileges and returns, while the same body had committees for courts of justice, grievances, trade, and religion, having a close connection in name and function with the similar ones of the Virginia Assembly. However, there are very marked differences between the standing committees in these two legislative bodies of the mother-country and her earliest American colony, and these differences must be examined with care.

In his monograph, already cited, Dr. Jameson shows the English origin of the system of standing legislative committees, which has become one of the characteristic features of the American legislative system. While it is not the province of this study to examine the development of the standing committees in Parliament, a résumé of Dr. Jameson's conclusions will help the student to appreciate the differences between the two systems. Beginning with the procedure of the House of Commons in the reign of Queen Elizabeth, he traces the gradual growth of the system through the various Parliaments up to the point of its highest development in the Barebone's Parliament of 1653, when there were a number of select committees bearing a close resemblance to those which we have examined in the system of the House of Burgesses. This is the nearest approach to a system of select standing committees that one notices in the proceedings of the British House of Commons; for Cromwell's Parliament of 1654, which was a more conservative body, soon began to return to the older system of larger and more unwieldy committees, usually committees of the whole, which the second Parliament of the Protectorate completely restored. From the second Parliament of Charles II, in 1661, down to the session of 1832, with scarcely a break, the House of Commons appointed at the beginning of each session a number of its members, usually from one hundred to three hundred, to be a committee of privileges and returns. It also appointed committees of the whole house for religion, grievances, trade, and courts of justice. After the reign of Charles II

the committees of the House of Commons did not develop beyond the point they had reached in his reign. Indeed, they became less and less prominent after this time, and their use gradually declined as the cabinet form of government was developed. The story of the committee system in the British Parliament after the reign of Charles II is one of gradual decline, and one must look to the American colonies to see the full development of the system into an important factor in government.<sup>180</sup>

New England seems to have played little part in the development of the colonial system of standing legislative committees; this system was worked out in the middle and southern colonies, but appeared earliest in Virginia, where, as has been seen, it early reached a high state of usefulness and had an important share in the legislative procedure. Although the history of the standing committee since 1789, or from the date of the formation of our federal government, to the time of the virtual completion of the committee system in its congressional form in the time of Speaker Henry Clay, has been carefully worked out, it was for a long time looked upon as a purely American institution, and a careful study of the committee system prior to 1789 had been neglected until the monograph of Dr. Jameson appeared. This valuable study gives two reasons for this neglect: (1) The system, which had been used at an earlier date in the House of Commons, having become virtually extinct in that body, observers have probably regarded the system of American standing legislative committees as a purely American invention; (2) As it did not figure to any large extent in the colonial legislatures of New England, those American historical writers who were New Englanders (perhaps a majority of all our contributors to American history) have overlooked the fact that the system existed prior to 1789.<sup>181</sup> With an imperfect understanding of this

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<sup>180</sup> Jameson, *The Origin of the Standing-Committee System*, pp. 248-262.

<sup>181</sup> *Ibid.*, pp. 246, 247, 262, 263.

committee system, which played so important a part in the legislative life of the middle and southern colonies, it is not hard to understand why the historians of New England should have attached an undue amount of importance to the local revolutionary committees of Massachusetts. However important was the work performed by these committees in organizing revolutionary sentiment in the various townships of Massachusetts and in binding them together in resistance of the British, it seems a rather vague historical inference to assume that the intercolonial committee of correspondence was an extension of this system of local committees, nor has the writer seen any evidence upon which such a claim can reasonably be based. Indeed, it seems far more probable that the intercolonial committee of correspondence was an adaptation to colonial revolutionary needs of a committee appointed to communicate with the colonial agent—a committee that was well known in the southern and middle colonies. An examination of the Virginia committees of correspondence, which will be made in the next chapter, will give my reasons for looking upon the committee appointed for communicating with the agent as the prototype of the intercolonial committee of 1773.

Before entering upon that subject, however, it is important that the differences between the standing committees in use in the House of Burgesses and the system which since the days of Charles II had been falling into disuse in the British House of Commons should be examined. It will be noticed that though the names and functions of several of the standing committees in the House of Burgesses (privileges and elections, propositions and grievances, religion, courts of justice, and trade) are similar to those of their analogues in the House of Commons, there is a marked difference in the size and nature of the committee. Of the committees in the British legislative body, all save the committee of privileges and returns were committees of the whole house. The committee of privileges was a large, unwieldy body composed of from one hundred to three hun-



dred members, whereas the standing committees of the House of Burgesses were much smaller and more workable than their English analogues. Although the standing legislative committee of the Virginia Assembly was an adaptation of an English mode of procedure, yet the system was not adopted bodily, but was borrowed in part as needs for similar committees arose, and was modified to serve the legislative needs of the new colony. As the House of Burgesses increased in size, and as the problems for legislative solution multiplied with the growth of the colony, committees, modelled after the system of the House of Commons, were modified into the system of workable standing committees whose activities have already been examined.

From the first mention of the committee of elections and privileges in the House of Burgesses to the appearance of the committee of trade is a period of seventy-nine years, and it was more than one hundred years from the appearance of the first of the five traditional standing committees of the House of Commons—the committee for elections—to the appointment by the House of Burgesses of another of the traditional committees, that of religion. It is true, moreover, that the House of Burgesses had appointed at an early date another standing committee, that of public claims, which seems to have had no analogue in the British legislative body. However much the system of the House of Burgesses may have been modelled upon that of the House of Commons—and it was undoubtedly from English precedents that most of our governmental ideas came—the long period of time during which the standing committees were being transplanted to this country and the modifications made in them show unquestionably that the system was not blindly followed, but was adopted as the need for such committees became apparent and modified so as to serve these needs.

## CHAPTER II

### THE COMMITTEE OF CORRESPONDENCE

Just as Virginia had been the first of the American colonies to establish an assembly, just as she was the first to develop a system of legislative standing committees, so she was the first to establish a colonial agency in England.<sup>1</sup> It is not within the scope of this study to examine the development of the colonial agencies in England; but since the maintenance of such agencies resulted in the appointment in most of the middle and southern colonies of committees of correspondence for instructing the agents and for communicating with them, and since these committees developed into important standing and recess committees of the general assemblies, which eventually came under the de facto control of the lower houses, it is important that the rise of the committee of correspondence in Virginia and in the southern and middle colonies should be briefly examined.

As early as 1624 Mr. John Pountis, one of the governor's Council, was appointed by the governor and the General Assembly "to sollicite the general cause of the country to his Majesty and the counsell," and a special tax of four pounds of tobacco was levied on each male inhabitant of the colony sixteen years of age toward the charges of his voyage to England.<sup>2</sup> In 1674 Secretary Ludwell and Colonel Daniel Parke were appointed to negotiate in England for the colony "concerning late grants made to certain lords patentees," which had greatly alarmed the colonists;<sup>3</sup> and

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<sup>1</sup> E. P. Tanner, "Colonial Agencies in England during the Eighteenth Century," in *Political Science Quarterly*, vol. xvi, pp. 27, 28.

<sup>2</sup> Henning, vol. i, p. 128.

<sup>3</sup> *Ibid.*, vol. ii, pp. 311, 312, 313, 314. These grants were the extensive ones made by Charles II to Culpepper and Arlington.

the negotiations for a new charter which had been pushed by these agents were carried on by Francis Morryson, Thomas Ludwell, and Robert Smith when they were appointed agents for the governor and the General Assembly of Virginia.<sup>4</sup>

Provisions for a permanent agency were made about 1686, when an agent was appointed to represent the colony as a whole; he acted, however, under the direction of the governor and the Council,<sup>5</sup> who were each appointed by the Crown. This kind of agency does not seem to have satisfied the House of Burgesses, who in the conflicts that arose between the legislative and executive branches of the colonial government wished to have an agent in England who would represent them in their disputes, and who should act under their orders. Several times in the disputes between the House of Burgesses and Governors Spottswood and Dinwiddie the House sent special agents to England to present their side of the disputed matters to the king and his Council and to the various boards of the administration. Throughout a long period continued efforts were made by the House of Burgesses to secure an agent who should be responsible to them alone and entirely under their direction and control.<sup>6</sup> This struggle culminated in 1759 with the appointment of Edward Montague as agent to represent the General Assembly, and he was put under the control and direction of a committee of correspondence composed of members from both branches of the legislature. This committee was a joint standing committee of both legislative branches, with authority to act in the recess between the legislative sessions in all matters of business with the agent, and the law required it to lay all correspondence and the record of its proceedings before the General Assembly.<sup>7</sup> In reality this committee was controlled by the House of Burgesses inasmuch as its members constituted a majority

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<sup>4</sup> Hening, vol. ii, p. 523.

<sup>5</sup> Dinwiddie Papers, vol. i, p. 37, note.

<sup>6</sup> Journals of the House of Burgesses, 1752-1758, pp. 307, 308, 311, 313, 314, 386, 387, 393, 501, 502, 503.

<sup>7</sup> Hening, vol. vii, pp. 276, 277.



of the committee of correspondence, by means of which the lower branch of the legislature could always govern the agent and shape his instructions.

This was the nearest approach to an agency entirely under control of the House of Burgesses until March, 1773, when a resolution was adopted by that body appointing a committee of correspondence, whose duty should be to maintain an intercolonial correspondence with the other colonies on matters of mutual interest, and to obtain early and authentic intelligence of such acts and resolutions of the British Parliament or proceedings of the administration as might relate to or affect the British colonies in America.<sup>8</sup> In order to obtain this information the committee of correspondence named as its agent in England John Norton, a prominent merchant of London, who accepted the position offered him and became agent. To carry out its ideas of intercolonial correspondence the committee wrote to the other colonies asking that similar steps be taken. The system of intercolonial correspondence developed by this means will be discussed in another chapter.

Edwin P. Tanner, in his monograph on the colonial agencies in England,<sup>9</sup> follows the error made by the editor of the Dinwiddie Papers in stating that from the appointment of Montague as agent for the General Assembly "there were regularly two agents of Virginia, one for the governor and council, another for the house, the salaries of both being provided for by the general assembly as a whole." Now, this is exactly what did not happen; for Abercrombie was retained as agent for the governor and the Council acting in their executive capacity as his advisers, while Montague became the agent, not of the House of Burgesses alone, but of the General Assembly, which was made up of the two legislative branches—the Council, acting in its legislative capacity as the upper house, and the House of Burgesses, the popularly elected branch. A failure to observe the triune nature of the functions of the Council, which

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<sup>8</sup> Journals of the House of Burgesses, 1773-1776, pp. 28, 41.

<sup>9</sup> Tanner, p. 47; Dinwiddie Papers, vol. i, p. 37, note.

were executive, legislative, and judicial, may account for some of the false conceptions of Virginia's colonial governmental problems. The act of Assembly of 1759, which named Montague as agent and constituted the joint committee of correspondence from both legislative bodies; the act of Assembly of 1760, explaining this very point of joint legislative control of the agency; the act of Assembly of 1763 for adding sundry persons to the committee of correspondence; and the act of Assembly of 1765, which continued the above acts,—all present conclusive evidence that the agency was under joint control of both Council and Burgesses.<sup>10</sup>

In the southern and in most of the middle colonies the agencies of the general assemblies were controlled through committees of correspondence similar to that appointed by the Virginia legislature. In 1771 the General Assembly of North Carolina appointed Henry Eustace McCulloch as agent to solicit the affairs of the province, and named members from both branches of the legislature to act as a joint committee of correspondence. This committee was composed of two members of the Council and five members of the Assembly.<sup>11</sup> After several special agencies, South Carolina, in 1721, by an act of the General Assembly, appointed Francis Yonge and John Lloyd, members of the Council and of the Commons House respectively, as agents of the colony. They were to act under "such orders as they might receive from the governor, council, and assembly before embarkation, and from the committee of correspondence afterwards."<sup>12</sup> This committee was composed of two members from the Council and five from the Lower House,

<sup>10</sup> Hening, vol. vii, pp. 276, 277, 375, 376, 377, 646, 647; vol. viii, p. 113.

<sup>11</sup> Laws of North Carolina, in State Records of North Carolina, vol. xxiii, p. 854. This committee of correspondence consisted of Lewis Henry DeRosset and Marmaduke Jones, councillors, and Richard Caswell, John Harvey, James Moore, Joseph Montfort, and Robert Howe of the Lower House. Of the members of this committee three—Howe, Caswell, and Harvey—were members of the intercolonial committee of correspondence of 1773.

<sup>12</sup> The Statutes at Large of South Carolina, vol. iii, pp. 146, 147.

any three of whom should constitute a quorum; but an additional ordinance added Richard Beresford and John Barnwell of the Commons House of the General Assembly to the committee and increased the quorum, of whom one at least should be a member of the upper legislative branch.<sup>13</sup> The committee was ordered by act of Assembly to carry on a regular correspondence with the agents, send over the orders of the General Assembly, and give such instructions as it might think proper when that body was not in session. This committee, revived from time to time, lasted until the outbreak of the Revolution, when it was utilized by the Commons House of Assembly for the purpose of intercolonial correspondence.<sup>14</sup>

The development of the agency for Georgia seems to have been very similar to the development of that for South Carolina. In 1762 an act was passed by which William Knox was appointed agent, and a committee of correspondence, consisting of five members of the Council and six members of the Lower House, was constituted to issue instructions and maintain a correspondence with him. This act was to be in force one year from May 1, 1762.<sup>15</sup> This agent and the committee of correspondence were continued by reenactment of the statute in 1763<sup>16</sup> for a period of one year, and in 1764 for a similar period.<sup>17</sup> In 1768 an act of Assembly was passed naming Benjamin Franklin agent for one year from June of that year, and appointing a joint committee of the legislative branches to be a committee of correspondence.<sup>18</sup> Some idea of the importance of this committee may be got from the provision made by the General Assembly for salaries to its clerk and messenger.<sup>19</sup>

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<sup>13</sup> The Statutes at Large of South Carolina, vol. iii, p. 157. For an interesting sketch of the development of the colonial agencies of South Carolina see W. R. Smith, *South Carolina as a Royal Province*, pp. 159-170.

<sup>14</sup> Smith, p. 162, note 3.

<sup>15</sup> The Colonial Records of the State of Georgia, vol. xviii, pp. 481, 482, 483.

<sup>16</sup> Ibid., pp. 536, 537, 538.

<sup>17</sup> Ibid., pp. 580, 581, 582.

<sup>18</sup> Ibid., vol. xix, part i, pp. 12, 13, 14.

<sup>19</sup> Ibid., pp. 129, 485.



Franklin was reappointed agent from June, 1770, to June, 1771; and in November, 1773, he was again appointed agent for the term of one year, the committee of correspondence being again named in each of these acts constituting him agent for the colony.<sup>20</sup> Not only was Franklin reappointed agent, but Grey Elliot was named as an alternate to act for one year, though only in Franklin's absence.<sup>21</sup> On September 10, 1773, the Commons House of Georgia named its speaker, who was also a member of the committee appointed to correspond with the agent, and any five of that committee to carry on a correspondence with the other colonies.<sup>22</sup> Here we see the Georgia Assembly utilizing its standing committee of correspondence just as had been done in South Carolina.

In the middle colonies the New York agency is the most interesting. It came into the hands of the Assembly by 1748, and it is in this colony that the popular house seems to have won a complete victory by gaining exclusive control of the regular agency.<sup>23</sup> On April 16, 1716, Secretary Popple wrote to Governor Hunter of New York on the necessity that each colony should maintain an agent in England, and urged him to use his influence in having an agent appointed for that colony.<sup>24</sup> On October 2 of the same year he wrote to the Board of Trade informing them that the General Assembly had appointed John Chamante agent, and inclosing the act of appointment.<sup>25</sup> In February, 1738, Lieutenant-Governor Clarke wrote to the Board of Trade<sup>26</sup>

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<sup>20</sup> Colonial Records of Georgia, vol. xix, pp. 199, 200, 201, 249, 250, 251, 252.

<sup>21</sup> *Ibid.*, pp. 506, 507, 508.

<sup>22</sup> *Ibid.*, vol. xv, pp. 521-527.

<sup>23</sup> Tanner, p. 43; Documents relative to the Colonial History of the State of New York, vol. vi, p. 420, Letter from Governor Clinton to the Lords of Trade.

<sup>24</sup> Documents relative to the Colonial History of New York, vol. v, p. 473, Letter of Secretary William Popple to Governor Hunter.

<sup>25</sup> *Ibid.*, vol. v, pp. 418, 480, Letter from Governor Hunter to the Board of Trade.

<sup>26</sup> *Ibid.*, vol. vi, p. 113. This letter says: "They [the Assembly] did likewise the last Session pass an Act, empowering themselves to appoint an Agent independent of a Governour or the Council;

that the New York Assembly had attempted to pass a bill creating an agency exclusively under the control of the Lower House, but that this bill was so amended by the Council that it was dropped. In 1748 the Assembly appointed an agent, placing him under the direction of a committee of correspondence chosen exclusively from the Lower House. A letter from Governor Clinton to the Board of Trade tells how the measure providing for the agent's salary was attached as a rider to the bill for the support of the governor, so that the executive assent might not be withheld for fear of cutting off the appropriations for the maintenance of the government.<sup>27</sup> In 1765 the New York Assembly was represented at the Stamp Act Congress by its standing committee of correspondence.<sup>28</sup> This is significant; here is the use of a committee of correspondence in a congress, which was looked upon as a meeting of committees from the colonial assemblies, seven years before

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But the Council, who were not averse to exclude the Governor, would not be excluded themselves; they therefore made those alterations; but the Assembly would by no means agree to them, So that the bill dropt."

<sup>27</sup> Documents relative to the Colonial History of New York, vol. vi, p. 420, Governor Clinton to the Lords of Trade. Concerning the appointment of the agent Clinton says: "I am still under the necessity of informing Your Lordships that the Assembly of this Province continue to encroach upon the powers of the Crown in the appointment of all their Officers, and have lately (among others) named one Mr. Charles Agent for the Province without my knowledge, privity or consent, otherwise than by telling me, they had made provision for this Gentleman, being recommended by Sir Peter Warren; and as they inserted his Salary in the Bill which gives my support I was obliged either to yield to their method of appointing an Agent, or go without my own Appointments. I find that this Gentleman is to act for the Assembly independent of the Governor & Council, which is to me a very extraordinary proceeding: Therefore I humbly move your Lordships, that you'll be pleased not to suffer Mr. Charles as Agent of this Colony to prefer any Memorial, Representation or Instructions from the Speaker of this Assembly, or from a Committee of said Assembly without my concurrence & assent thereto signified to your Lordships by letter concerning the same." See also Letter from Governor Clinton to the Lords of Trade, dated October 20, 1748, in *ibid.*, vol. vi, p. 425.

<sup>28</sup> Journal of the Stamp Act Congress, in Niles' Register, July 25, 1812. See also H. Niles, Principles and Acts of the Revolution in America, pp. 159-161; B. J. Lossing, Seventeen Hundred and Seventy-six, p. 64.

the appointment of the local committees of correspondence of Massachusetts, which have so often been credited with having been the starting-point of the intercolonial committees of correspondence of 1773, as far as I have been able to determine without any evidence to support the claim.

In New Jersey the most significant feature of the colonial agency is that the order of development seems to be exactly the reverse of what it was in the other colonies. In New Jersey the agency was first established by the House; then a separate agent was employed by the Council; and finally there was a single agent for governor, Council, and Assembly. This was a reversal of the usual order, but through its majority on the committee of correspondence the House never lost practical control.<sup>29</sup> In December, 1769, the committee of correspondence of the New Jersey Assembly wrote to Benjamin Franklin notifying him of his appointment as agent to represent the colony in England, and apprising him of the fact that it had been appointed a committee to correspond with him. This committee was composed of six members of the Assembly; but as the resolutions of the House in which they were constituted a committee were duly attested by the governor, there does not appear to have been any friction with the executive over their appointment.<sup>30</sup> In 1774 the New Jersey committee of correspondence, which had been appointed in response to the call of the Virginia House of Burgesses, selected Franklin, who had been their agent in England, to give them information of acts of the English government that might affect in any way the liberties of America.<sup>31</sup>

The agency in Pennsylvania seems to have received its first impetus from the executive, who in 1718 took the first steps toward establishing it; but his efforts apparently did not result in the establishment of a permanent agency. In 1731 the colony was represented by Ferdinand John Paris,

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<sup>29</sup> Tanner, pp. 47, 48.

<sup>30</sup> Archives of the State of New Jersey, first series, vol. x, pp. 135, 136, 137, 138, 139, Letter from New Jersey committee of correspondence to Benjamin Franklin, dated December 7, 1769.

<sup>31</sup> J. Sparks, *The Works of Benjamin Franklin*, vol. viii, p. 126.



who was agent for a number of years. In 1757 Franklin, who was leader of the opposition to the proprietors in the dispute that had arisen between them and the people of the province over the taxation of the proprietary lands, was sent to England as agent to appeal to the Crown. Although the British government at first refused to receive him, he eventually obtained a hearing and won a victory that was signal and complete. He returned to America in 1760, but was again sent to England in 1765 as assembly agent to secure the repeal of the stamp tax. The author has been unable to find much material bearing on the Pennsylvania agency, possibly because of the fact that the agency was maintained somewhat irregularly; but it is certain that in 1774 the Assembly had a committee of correspondence as a medium of communication with the agent, and it was to this committee that the duties of intercolonial correspondence with the other intercolonial committees of correspondence were finally entrusted. Here again, just as in South Carolina and in Georgia, the already existing committee of correspondence was made use of as a means of securing united action among the colonists.<sup>32</sup>

In the New England colonies the committee of correspondence does not seem to have played a very large part in the communication with the agency. Only in the colony of New Hampshire has it been possible to find any record of a standing committee of correspondence in connection with the colonial agency. On January 18, 1771, a resolution was passed by the New Hampshire Assembly appointing John Wentworth, the speaker, William Parker, and John Sherbourne, with such others as the Council should appoint, to be a committee "to write to the agent for this Province at the Court of Great Britain."<sup>33</sup> This resolution was con-

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<sup>32</sup> T. F. Gordon, *The History of Pennsylvania*, p. 483. Gordon, giving as his authority the "Votes" of the Pennsylvania Assembly, says that the duties of a committee of correspondence intercolonial for communication with the colonial agent were imposed on the standing committee of correspondence, which, in 1774, consisted of the following members of the Assembly: Samuel Miles, Thomas Mifflin, William Rodman, Isaac Pearson, and John Morton.

<sup>33</sup> New Hampshire, *Provincial and State Papers*, vol. vii, p. 272.

curred in by the Council, which named three of its members to act with the representatives of the House.<sup>34</sup> It may be noted here that when the committee of correspondence of 1773 was appointed by the New Hampshire Assembly, the three representatives who were on the committee named in 1771 became members of the new one.

In none of the other New England colonies has it been possible to find any mention of the committee of correspondence as a medium of communication with the colonial agent. In Rhode Island and Connecticut both the governor and the Council were elected, and they drew their authority from the same source as did the Assembly. Here there would be no need for a committee of correspondence<sup>35</sup> to communicate with the agent; for the governor could be trusted to look out for the best interests of the colony whose people had elected him, and it was to him that the Assembly looked to communicate their instructions to the agent and to maintain a correspondence with him upon matters of interest to the welfare of the colony.<sup>36</sup> In the records of Rhode Island there is no mention of a committee to communicate with the agent, but in 1764 the Assembly of that colony appointed a temporary committee which seems to have had much the same objects in view as did the committee of correspondence appointed by the Assembly of Virginia in 1773. On October 8, 1764, this committee addressed letters to the speakers of the other colonial Houses of Assembly proposing that the sentiments of the various colonies be obtained regarding the rights of the colonies, and suggesting that the colonies unite in a common defence of their liberties. It was also suggested that the agents of the several colonies should unite in aiding in securing these rights.<sup>37</sup> It is not

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<sup>34</sup> New Hampshire, Provincial and State Papers, vol. vii, p. 272.

<sup>35</sup> Tanner, p. 49.

<sup>36</sup> Records of the Colony of Rhode Island and Providence Plantations, vol. vi, pp. 368, 484, 486, 491, 571, 593; vol. vii, pp. 27, 28, 29, 30, 31. The act appointing Henry Marchant as joint agent for the colony of Rhode Island names the governor as the medium of communication with the agency.

<sup>37</sup> Sparks, Benjamin Franklin, vol. vii, pp. 264, 265. This letter is in part as follows: "We have been appointed a committee by the

unlikely that the united action of the colonial agents in securing the repeal of the Stamp Act did much to create a spirit of colonial solidarity and helped to pave the way for the acceptance of Virginia's suggestion in March, 1773.

In Massachusetts the instructions to the colonial agent seem usually to have been prepared by a special joint committee appointed for that purpose. These instructions were reported to the General Assembly, were adopted by that body, after any desired amendments had been made, and were sent by the secretary of the colony to the agent.<sup>38</sup> The letters from the agent were probably considered in the same manner by a specially appointed joint committee of the Council and the House of Representatives, and this committee reported the result of its deliberations to the bodies from which its respective members were drawn. These were apparently special committees appointed for a specific purpose, after the performance of which they were discharged, and were not permanent standing committees such as the southern and middle colonies appointed to correspond with their agencies. They were, however, sometimes appointed with power to work in the recess of the General Court, though apparently this was not generally the case.<sup>39</sup>

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General Assembly of the colony of Rhode Island to correspond, confer, and consult with any committee or committees that are or shall be appointed by any of the British colonies on the continent, and, in concert with them, to prepare and form such representations of the condition of the colonies, the rights of the inhabitants, and the interests of Great Britain, as connected with them, as may be most likely to be effectual to remove or alleviate the burdens which the colonists at present labor under, and to prevent new ones being added.

"If all the colonies were disposed to enter with spirit into the defence of their liberties; if some method could be hit upon for collecting the sentiments of each colony, and for uniting and forming the substance of them all into one common defence of the whole; and this sent to England, and the several agents directed to join together in pushing and pursuing it there, in the properest and most effectual manner, it might be the most probable method to produce the end aimed at."

<sup>38</sup> The Acts and Resolves, Public and Private, of the Province of Massachusetts Bay, vol. xiv (1747-1752), Appendix ix, pp. 572, 697; vol. xv (1753-1756), Appendix x, pp. 257, 259, 364; vol. xvi (1757-1760), Appendix xi, p. 263.

<sup>39</sup> *Ibid.*, vol. xiv (1747-1752), Appendix ix, p. 697.



In 1770 the Massachusetts House of Representatives appointed Benjamin Franklin as its agent in England, at the same time naming Thomas Cushing, the speaker of the House, and James Otis and Samuel Adams as a committee to communicate with him.<sup>40</sup> Most of the correspondence, however, seems to have been between Franklin and Cushing.<sup>41</sup> This committee for communicating with the agent was an entirely extralegal one, and was so looked upon by Governor Hutchinson. It presents a marked contrast to the committees of correspondence of the southern and middle colonies, of which the Virginia committee of 1759 is a high type; for these committees were constituted by acts of Assembly which had been duly assented to by the executive and had become law. In the main, it appears that the committee of correspondence in connection with the colonial agency did not play either an important or a legally constituted role in any of the New England colonies except New Hampshire.

In passing the act of 1759<sup>42</sup> which created the agency for the General Assembly and named the joint committee of that body as a committee of correspondence, the Virginia House of Burgesses won a victory, though only a partial one. For several sessions of the General Assembly it had endeavored to secure an agent. In 1755 a bill for appointing an agent had been introduced in the House of Burgesses and had passed two readings, but after having been amended in the committee it was defeated after the third reading.<sup>43</sup> In 1756 a bill for appointing an agent was prepared and introduced by the same committee that had prepared the bill at the preceding session. This measure passed the House of Burgesses but was not concurred in by the Council, and so

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<sup>40</sup> T. Hutchinson, *History of Massachusetts*, vol. iii, p. 318; A. H. Smyth, *The Writings of Benjamin Franklin*, vol. v, pp. 283, 284.

<sup>41</sup> Smyth, *Benjamin Franklin*, vol. v, pp. 292, 317, 363, 350, 391, 435, 448. Out of the rather extensive correspondence of Franklin while he served as agent of the Massachusetts House of Representatives only two letters seem to have been written to the committee.

<sup>42</sup> Hening, vol. viii, pp. 276, 277.

<sup>43</sup> *Journals of the House of Burgesses, 1752-1758*, pp. 307, 308, 311, 313, 314.

did not become law.<sup>44</sup> On April 4, 1758, the House of Burgesses again granted leave that a bill for appointing an agent should be introduced, and Charles Carter, Archibald Cary, and Richard Bland were appointed a committee to prepare it. It passed both branches of the legislature, but did not receive the assent of President John Blair of the Council, who was at this time acting governor of the colony.<sup>45</sup> Blair was apparently unwilling to assume the responsibility of assenting to this measure, which created for the legislative branches an agent of their own. In 1759 a bill for creating a colonial agent was passed by both houses, received the assent of Governor Fauquier, and became law.

One of the most significant things about the new agency was the length of the agent's term of office and the tenure of the committee of correspondence. The act of 1759 was to be in force for seven years from its passage, and it was reenacted for a period of five years from the expiration of the original act. This gave the agency permanency; and because the act appointing the agent and creating the committee of correspondence was regularly passed by both legislative branches and assented to by the executive, it had unquestioned legal validity. In none of the other colonies do the colonial agents seem to have been appointed for a term of over two years, though the terms were sometimes renewed through long periods. In the creation of the committee of correspondence and agency of 1759 the House of Burgesses had legalized a committee and also an agent whom through a majority of the committee it might entirely control. In a legal manner the Assembly had obtained an institution which might lend itself readily to aiding the popular branch in any clash between it and the executive. To what extent the work of this committee was carried on into the revolutionary period will be shown in the next chapter.

In the creation of this committee the House of Burgesses had added another important standing committee to the system that had grown to such importance in its procedure.

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<sup>44</sup> Journals of the House of Burgesses, 1752-1758, pp. 386, 387, 389, 390, 393.

<sup>45</sup> Ibid., pp. 501, 502, 503.

While nominally a joint legislative committee, so completely was it under the control of the lower branch that it was, in effect, a committee of that body. From a committee, controlled and dominated by the lower branch of the legislature, to a committee with a membership drawn entirely from that body is only a short step; and this step, as we shall see, was taken in the establishment of the committee of correspondence of 1773, on the eve of the American Revolution.

That the House of Burgesses kept in close touch with its committee of correspondence is best shown by the frequency with which its correspondence and proceedings were laid before that body. It was through a careful consideration of its papers that the House of Burgesses was able to know what had been done by the committee during the periods of recess between the sessions of the General Assembly; and after the establishment of the agency the correspondence with the agent came up for careful discussion in nearly every session of the House of Burgesses.

It is, however, in their membership that the close connection of the committee of 1759 and that of 1773 with the standing committees of the House of Burgesses is best evidenced; and strange to say this salient point has received slight attention from those writers who have examined the committee of correspondence.<sup>46</sup> Of the members of the com-

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<sup>46</sup> See the two papers by E. I. Miller in the *William and Mary College Quarterly*, "The Virginia Committee of Correspondence, 1759-1770," vol. xxii, p. 1, and "The Virginia Committee of Correspondence of 1773-1775," vol. xxii, p. 99. In these papers, which were published nearly two years after this study was begun, Mr. Miller has reached very different conclusions from those set forth in this study. Although Mr. Miller has examined some very valuable sources in the preparation of his papers, he has failed to find several important points that a careful search should have clearly shown. He has not noted the continuity of the committee system of the Virginia House of Burgesses; he expresses doubt as to the expiration of the committee for corresponding with the agent, which is clearly evidenced in the Journals of the House of Burgesses and in the laws for appointing the agents; he does not seem to have clearly understood the nature of the agency established by the act of 1759, that neither the agent nor the committee of correspondence was representative of the House of Burgesses alone. It was clearly and specifically stated in the act of 1759 that this agent was to represent the General Assembly, and the committee of correspondence was a joint legislative committee from both House and Council.



mittee of 1759 those from the House of Burgesses were John Robinson, Peyton Randolph, Charles Carter, Richard Bland, Landon Carter, Benjamin Waller, George Wythe, and Robert Carter Nicholas. An examination of the journals of the House of Burgesses for a period of ten years prior to their appointment to this committee will show that most of these men had served as chairman of one or more of the prominent standing committees, while all of them had served on some of these committees. Surely it is not too much to infer that they had demonstrated in their committee service their ability and fitness to be appointed to the new committee, for which the Burgesses had contended so long, and that the qualities for work and leadership that had been shown by them on the standing committees were factors in their appointment to the membership of the committee for corresponding with the newly appointed agent. It seems as unlikely that the system of standing committees should have had no effect on the committee of correspondence of 1759 as that the committee of 1759 should have been utterly forgotten in the creation of that of 1773. The continuity of personnel would indicate an institutional connection between these two committees of correspondence and between them and the great system of standing committees of the body from which they were appointed.

Four of the members of the committee of correspondence of 1773—Peyton Randolph, Robert Carter Nicholas, Richard Bland, and Dudley Digges—had served on the committee for communicating with the agent, Digges having been added to the committee in 1763. Of these, Peyton Randolph, the speaker of the House at the time of the appointment of the committee in 1773, had been attorney-general of the colony, special agent to England in 1753, and had served as chairman of the committee of privileges and elections (1758, 1761), as chairman of the committee of propositions and grievances (1762, 1764), and as a member of several of the standing committees. Robert Carter Nicholas, at that time treasurer of the colony, had served as chair-

man of the standing committee of religion from the time of its creation in 1769, and as a member of the committee of privileges and elections and of propositions and grievances. Richard Bland had been chairman of the committee of public claims (1758, 1761), chairman of the committee of privileges and elections (1766, 1769, 1772), and had served as a member of the committees for religion and for trade; and Dudley Digges had served as a member of the committee of religion and of the committee for privileges and elections, becoming chairman of the latter in 1775.

Of the other members of the committee of correspondence of 1773, Richard Henry Lee had served as chairman of the committee for courts of justice (1766, 1769); Benjamin Harrison, as chairman of the committee of trade (1758, 1761, 1762, 1764, 1766, 1769, 1772), and as a member of the committees of religion, privileges and elections, and propositions and grievances, and Edmund Pendleton, as chairman of the committee for courts of justice (1762, 1764) and of privileges and elections (1766, 1769, 1772). Patrick Henry, though he had been a member of the Assembly only since 1765, was a member of the committees of religion, propositions and grievances, and privileges and elections; Archibald Cary had served as chairman of the committee of public claims (1762, 1764, 1766, 1769, 1772) and as a member of the committees of religion, privileges and elections, and propositions and grievances; Thomas Jefferson, who at the time of his appointment to this committee of correspondence of 1773 was one of the youngest members of the House of Burgesses, was a member of the committee of propositions and grievances, to the chairmanship of which he rose in 1775. Only one member of the committee, Dabney Carr, seems not to have served on any of the standing committees. He was a new member in the session of 1773, and died before another session of the Assembly. Carr was chosen by the authors of the resolutions of March 12, 1773, to move them in the House of Burgesses, at the request of his brother-in-law, Thomas Jefferson, who wished to give the new member an opportunity to display his talents.

It was through their service on the standing committees of the House of Burgesses that these members gained a thorough training in legislative procedure and developed a capacity for constructive statesmanship that made them ready to take the lead in the stormy period soon to follow. Upon no other basis can the leadership of Virginians in the period from 1773 to 1787 be satisfactorily explained. These and other members of the House of Burgesses, coming from a popular assembly which for many years had been the most truly representative body on the continent, were close enough to their constituents to know just how far the people of the colony were prepared to resist British encroachments and to what extent they could safely assume leadership. Moreover, their legislative training and experience gave the Virginia delegates in the first Continental Congress a leadership in that body which Virginia was to retain for many years.

It was the thoroughly representative character of the Virginia House of Burgesses that made its members, whether they were sitting as the Assembly or as a convention of delegates, feel that they were in deed and in truth the representatives of their people, and that these people would stand behind them in any action they might take in the representative capacity. In Virginia the problem was not to build up a unified sentiment among the people by town-meetings and revolutionary propaganda, but to determine what measures must be chosen to protect the legislative rights of the colony. So thoroughly representative was the House of Burgesses that its action seems to have reflected almost perfectly the sentiment of the vast majority of the colonists. It was this consciousness of the fact that they would be supported by the people, whose representatives they were, that gave to its members their readiness to take decisive action in times of crisis; while the knowledge on the part of the electors that their representatives were close enough to the people from whom they were chosen to follow those measures best fitted for the preservation of popular



government gave to the people a confidence in their representatives. These conditions seem to have interacted. The confidence of the people in their representatives made the latter ready to take the initiative in any matter of importance, while the fearless activities of the Burgesses engendered a spirit of trust and confidence in the Virginia electorate. This made the House of Burgesses so responsive to public sentiment that, after the Stamp Act agitation in 1765, even such a conservative as Edmund Pendleton differed from such radicals as Patrick Henry and the group that followed his leadership rather as regarded methods and details than on essential principles.

Thus, throughout the revolutionary period one finds a much greater unity of sentiment and a far greater readiness to take the initiative among the Virginia representatives than among those of any other colony. In Virginia public sentiment was probably as unified in the revolutionary period as is ever the case in a democracy when any great radical change is proposed. Certainly in her southern neighbors, Georgia and the two Carolinas, the Tory element was much larger and more troublesome and aggressive, and the few Tories in Virginia were in no measure comparable to the large Loyalist element of New York, New Jersey, and Pennsylvania, an influential part of the population of those colonies. In New England, sentiment does not seem to have been united, nor were her leaders as ready for action as those in the Old Dominion. In many of the colonies, even in Massachusetts, the leader of the more northern colonies, the inhabitants seem not to have been so ready to take decided action as were the people in Virginia, the leader of the more southern provinces. In Massachusetts and in several of the other colonies there were many who looked with distrust on Samuel Adams, who led the more democratic part of the Massachusetts population, for Adams was a man more famous for his talents as a political agitator than for his ability as a constructive leader; and the richer trading class, much of whose prosperity was gen-

erally supposed to be due to an evasion of the revenue laws and whose leader was John Hancock, does not seem to have been followed with great unanimity by a large number of Americans, who felt that these rich tradesmen had "axes to grind" in their opposition to Great Britain. This distrust of the Massachusetts leaders, especially evident in the meetings of the early Continental Congresses, made it necessary that the initiative in the most important matters should come from the Virginia delegates, who had behind them the united sentiment of their colony, and whose prominence and important position in the affairs of their own province made their leadership acceptable to the colonies as a whole. Especially in the drafting and adoption of the Declaration of Independence was the ability of the Virginia delegates to take the initiative of the utmost importance. Nor did the Virginia delegates assume this responsibility by taking unwarranted action; the burgesses of the colony, met in convention, had instructed the delegation to move and support such a declaration, and Richard Henry Lee, in accordance with these instructions, made the motion that paved the way for this great step toward independence.

The almost frictionless transition from colony to commonwealth testifies to the unity of sentiment in Virginia, so far as the inhabitants of the colony and their popularly chosen branch of the legislature were concerned. With the breakdown of the royal executive power, no revolutionary change came over the legislative branch of the colonial government, and no cataclysm separated the House of Burgesses from its successor, the Virginia legislature. The legislative transition was so gradual that it might be termed evolutionary rather than revolutionary. No great change in the personnel or in the procedure of the House of Burgesses marks this transition. Before it was known with any degree of certainty by the people of the colony to what extent the arbitrary actions of Dunmore would be carried, but while there were deep suspicions that he would continue to dissolve the Assembly unless that body should put

the selfish and short-sighted policies of the British Parliament before the interests of the colony itself, the burgesses were elected in each county, not by any revolutionary or unusual procedure, but by the duly qualified electors voting in accordance with the laws that had long governed elections in the colony. But the members of the House of Burgesses were authorized by their constituents, in the event of the governor's refusal to allow them to sit as an assembly, or upon any sudden dissolution after they had come together, to meet as a convention to consider the legislative needs of the colony. To the student of history, who looks beneath legal forms for the facts which they so often obscure, the action of Lord Dunmore, in his irritating policy of dissolution and prorogation of the Virginia Assembly, will seem far more revolutionary than the action of the burgesses in coming together as a "convention" after his dissolution of the Assembly had clearly manifested his intention of thwarting any expression of the general will.

An examination of the proceedings of the Virginia House of Burgesses will convince the unbiased student of history that, whatever charges might be brought against the members of that body, they could not be justly accused either of unfaithfulness or of indifference to the interests of their constituents.<sup>47</sup> There is not the shadow of a doubt that they were the representatives of the Virginia people in a far more real way than the Parliament was at that time representative of the British people. The House of Burgesses

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<sup>47</sup> The Official Letters of Alexander Spotswood, in Collections of the Virginia Historical Society, vol. ii, p. i. Cited as Spotswood Letters. In complaining of the Burgesses elected, the governor says: "For the mobb of this country having tryed their own strength in the late election, and finding themselves able to carry whom they please, have generally chosen representatives of their own class, who as their principal Recommendation, have declared their resolution to raise no tax on the people, let the occasion be what it will. This is owing to a defect in the Constitution, which allows every one, tho' but just out of the condition of a servant, and that can purchase but half an acre of land, an equal vote with the man of best Estate in the country." Dinwiddie says: "I am sorry to find them [the Burgesses] very much in a Republican way of thinking, and indeed they do not act in a proper constitutional way, but making encroachments on the prerogatives of the crown" (vol. i, p. 100).



during the period of the two decades preceding the actual outbreak of the Revolution, whether sitting as a colonial assembly or as a convention of delegates of the people, was a body clearly representative of its constituents. Indeed, there seems to have been no doubt in any of their proceedings from 1765 to 1776 that their action either as a legislative body or as a convention would be acquiesced in and supported by the people whose representatives they were. Revolutionary only in so far as parliamentary encroachment upon the jealously guarded realm of local self-government threw them on the defensive, the members of the House of Burgesses were regularly elected representatives, just as legally chosen and not a whit more revolutionary in 1776, at the climax of parliamentary aggression, than in 1765, when their bitter resistance of the Stamp Act marked their opposition to the changes in the English colonial policy in its incipency.

As we have already seen, the General Assembly of Virginia was composed of two houses, the Council and the House of Burgesses. The former was appointed by the Crown, usually from a number of persons suggested by the governor, while the latter was composed of representatives elected by the freeholders of the colony. But while the Council had legislative functions as the upper house of the General Assembly, it had in addition executive duties as an advisor to the governor and judicial functions as the general court of the colony. The House of Burgesses, being only a legislative body and directly responsible to the people who elected it, was looked to by them as the maker of their laws and the guardian of their rights. Any fight made against the encroachments of Parliament would naturally be waged by the House of Burgesses. It was in this body that most of the colonial legislation originated, and as the volume of legislative work increased, its system of legislative committees was developed and perfected. All legislation customarily originated in the Lower House, and money bills had to be initiated there, though a bill might be

introduced in the Upper House if no appropriation were made. Moreover, a bill, after it had passed both branches of the legislature, had to receive the assent of the governor before it became a law, but even then it might, under certain conditions, be disallowed by the Crown. It was to the Lower House, as their own elective body, that the people of the colony looked for representation; it was here that any encroachment by the prerogative upon the charter rights of the colony would naturally be opposed.

In order to determine with any degree of accuracy how representative a body the House of Burgesses was, it will be necessary to examine both the qualifications of the electors and the laws governing the election of its members. If it is found that the House of Burgesses was a body representative of the mass of people of the colony, it will be safe to assume that the system of committees employed by it was used to further the best interests of the colony at large. We find that as early as 1619, when the first Assembly was called together, the House of Burgesses was an elective body, whose members were chosen by the people.<sup>48</sup> From this time up to 1670, when a law was passed restricting it, the basis of suffrage was universal to freemen. In October, 1670, it was enacted that "none but freeholders and housekeepers who only are answerable to the publike for the levies shall hereafter have a voice in the election of any burgesses in this country."<sup>49</sup>

The acts of Assembly known as "Bacon's Laws," passed by a revolutionary House of Burgesses in the year 1676, contain an act repealing that just mentioned and restoring the suffrage to its former basis; that is, all freemen were to vote as formerly, together with all freeholders and housekeepers.<sup>50</sup> In 1677, after the suppression of Bacon's rebellion, Charles II issued a series of instructions to Governor Berkeley, one article of which ordered him to declare

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<sup>48</sup> W. W. Henry, *Patrick Henry; Life, Correspondence and Speeches*, vol. i, p. 29.

<sup>49</sup> Hening, vol. ii, p. 280.

<sup>50</sup> *Ibid.*, vol. iii, pp. 356, 357.

all laws passed under Bacon's influence "voyd and null."<sup>51</sup> In accordance with these instructions, the General Assembly in April, 1699, some time after the laws passed under Bacon's influence had been declared of no effect, enacted an election law providing that only freeholders should vote for burgesses. No woman, sole or covert, infant, or Popish recusant was allowed to vote; and the penalty for any person who voted in an election, when not a qualified voter, was a fine of five hundred pounds of tobacco for each offence.<sup>52</sup>

The General Assembly in 1762 passed an elaborate law entitled, "An Act for directing and better regulating the elections of Burgesses, for settling their privileges, and for ascertaining their allowances."<sup>53</sup> This statute was a carefully drawn piece of legislation in which every detail of the method of calling and holding an election was set forth with great explicitness. Every safeguard that the law could throw around the election of burgesses was provided. The qualification for suffrage was that every freeholder could vote who did not fall under one of these classes: woman, sole or covert; infant under the age of twenty-one; recusant, convict, or any person convicted in Great Britain or Ireland during the time for which he was transported; free negro, mulatto, or Indian. It was provided that every person who had an

estate of freehold, for his own life, or the life of another, or other greater estate, in at least fifty acres of land, if no settlement be made upon it, or twenty-five acres, with a plantation and house thereon at least twelve feet square, in his possession, or in the possession of his tenant or tenants, for term of years, at will or sufferance, in the same county where he gives such vote; and any person having such estate in fifty acres of land in one tract uninhabited, lying in two or more counties, shall have a right to vote in that county only wherein the greater quantity of the said land lies, although the same shall not amount to fifty acres in either county; and every person possessed of twenty-five acres, with a plantation and house thereon as aforesaid, lying in two or more counties, shall have a right to vote in that county only where the

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<sup>51</sup> Hening, vol. iii, pp. 424, 425.

<sup>52</sup> *Ibid.*, p. 172.

<sup>53</sup> *Ibid.*, vol. vii, pp. 517-530.



house shall be; and every person possessed of a lot, or part of a lot, in any city or town, established by act of assembly, with a house thereon at least twelve feet square, shall have a right to vote at such election.

This act of 1762 remained in force until 1769, when the November session of the Assembly passed an act to take its place.<sup>54</sup> The act of 1769 was substantially the same as the earlier statute of 1762, differing only in minor details. The length of tenure of land, the possession of which carried with it the right of suffrage, was reduced from one year to six months, this change of tenure requiring changes in the form of oaths given by freeholders at the taking of a poll. This act also contained a more strict provision against bribery and corrupt practices in elections.

Having seen that during most of the colonial period the suffrage in Virginia was limited to freeholders, and that the provisions of land tenure constituting freeholding were not excessive for a new country, where land was cheap and plentiful, we perceive that the basis of suffrage in Virginia was much wider than it was in England at a corresponding period. It is also evident that, whatever defects the Virginia system of representation may have shown, its basis was more uniform and it was better regulated by law than was the representation in the House of Commons. While Parliament was controlled by corrupt and vicious methods, by flagrant and notorious bribery, the House of Burgesses through its committee of privileges and elections was enforcing strict and uniform election laws. Only in the decayed town of Jamestown, which was, about the time that we are considering, a "pocket-borough" in the hands of the Travis and Ambler families, do we find any approach to the "rotten borough" so common in England at this time.<sup>55</sup>

Having seen that the basis of suffrage was much wider than in England, let us now examine the proportion of those having the right of suffrage who appear to have exercised

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<sup>54</sup> Hening, vol. viii, p. 306.

<sup>55</sup> H. R. McIlwaine, *Introduction to Journals of the House of Burgesses, 1758-1761*, p. viii, note 4.

the privilege. Campbell estimates the population of Virginia in 1756 at approximately 293,000, of whom 120,000 were negroes.<sup>56</sup> This estimate would leave the white population considerably larger than the black, about 173,000 in round numbers. The question in determining the representation of the people of the colony in the House of Burgesses is what percentage of the white population actually voted for members of the Assembly. Dr. McKinley, basing his figures on a series of colonial election returns worked up by President Lyon G. Tyler,<sup>57</sup> states that almost nine per cent of the white population participated in the elections of the counties examined, or that one white person in eleven not only had the privilege of voting, but actually did perform that duty. Since the counties, returns of which are given by Dr. Tyler, are all older counties of Eastern Virginia, where there was much large landed property, it is probable that returns of the upper counties, where the holdings were smaller and the people more democratic, would show an appreciably larger proportion of the population voting than in the Tidewater section. However, this statement is only a conjecture, as I have not been able to find the returns from any of the western counties for this period. A comparison of these figures presented by Dr. Tyler with results of work done on Massachusetts returns for a somewhat later period by Dr. Jameson<sup>58</sup> and with the poll lists of

<sup>56</sup> Campbell, p. 494.

<sup>57</sup> L. G. Tyler, "Virginians Voting in the Colonial Period," in William and Mary College Quarterly, vol. vi, pp. 7-13. From this monograph the following figures are tabulated:—

Election in counties of	Year	Percentage Voting
Elizabeth City .....	1758	8
King George .....	1758	10
Prince William .....	1741	7½
Westmoreland .....	1741	7½
Westmoreland .....	1748	10
Westmoreland .....	1752	8½
Essex .....	1761	10
Essex .....	1765	10
Average .....		8.937

<sup>58</sup> J. F. Jameson, "Did the Fathers Vote?" in New England Magazine, January, 1890, pp. 484-490.

New York City given by Mr. McKinley<sup>59</sup> shows that the elective franchise was more widely exercised, and probably more widely conferred, in Virginia than in the middle and New England colonies.

Elected by so wide an exercise of the privilege of suffrage, in elections around which the law threw every safeguard, it is not strange that the Virginia House of Burgesses should have been a body very representative of the interests of its constituency. Nor do we wonder that, within its hall, there should have developed some of the most powerful champions of popular sovereignty that the world has known. In this legislative assembly such men as Patrick Henry, Richard Henry Lee, Thomas Jefferson, Richard Bland, George Mason, and George Wythe gained their legislative experience, and formed those ideas of democracy that made them leaders in the advance guard of those who contended for constitutional government and representative institutions. When one looks at the roll of great Americans whose training in politics and government was received in the House of Burgesses, he feels that it was something more than accident or coincidence which made that body the training school of statesmen. Its representative character, the high average of its membership, and the system of local self-government which it had built up, its well-regulated committee system of legislative procedure,—all of these help to explain the number of great men who went from its hall into the larger leadership of State and Nation.

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<sup>59</sup> A. E. McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America*, p. 217.



### CHAPTER III

#### A COMPARATIVE STUDY OF THE COMMITTEE OF CORRESPONDENCE OF 1773 AND THE EARLIER COMMITTEE OF CORRESPONDENCE OF 1759

On March 12, 1773, the Virginia House of Burgesses appointed a committee of correspondence consisting of the speaker and ten of the leading members of that body. The reasons for the appointment of such a committee are given in the resolutions passed unanimously by the House of Burgesses sitting as a committee of the whole house upon the state of the colony.<sup>1</sup> The preamble declared that the minds of His Majesty's subjects in the colony had been much disturbed by various rumors and reports of proceedings tending to deprive them of their ancient legal and constitutional rights, and that the affairs of the colony were frequently connected with those of Great Britain and of the neighboring colonies, which rendered a communication of sentiments necessary; in order, therefore, to remove the uneasiness, to quiet the minds of the people, and to serve other good purposes mentioned, it was resolved that a standing committee of correspondence and inquiry should be appointed.<sup>2</sup>

This committee consisted of the following members: Peyton Randolph, the speaker of the House of Burgesses, Robert Carter Nicholas, the treasurer of the colony, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary, and Thomas Jefferson. Six of these were determined upon as a quorum, and it was stated that the business of the committee should be to "obtain the most early and authentic Intelligence of all such Acts and Resolutions of the British Parliament, or Proceedings of Admin-

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<sup>1</sup> Journals of the House of Burgesses, 1773-1776, p. 28.

<sup>2</sup> Ibid., pp. 23, 41.

istration, as may relate to or affect the British Colonies in America; and to keep up and maintain a Correspondence and Communication with our Sister Colonies, respecting these important Considerations, and the result of such their proceedings, from Time to Time, to lay before this House."

It was further resolved that the committee should be instructed to inform itself at the earliest opportunity "of the principles and Authority, on which was constituted a Court of Inquiry, said to have been lately held in Rhode Island, with Powers to transmit Persons, accused of Offences committed in America, to places beyond the Seas, to be tried," and that "the Speaker of this House do transmit to the Speakers of the different Assemblies on this Continent Copies of the said Resolutions and desire that they will lay them before their respective Assemblies, and request them, to appoint some Person or Persons, of their respective Bodies, to communicate, from Time to Time, with the said Committee."<sup>3</sup>

This committee, it will at once be noticed, was a legislative committee, appointed by the House of Burgesses, the popularly elected branch of the Virginia Assembly, from its own membership. Furthermore, it was a standing legislative committee with power to act in the recess between the sessions of Assembly, but it was amenable to the body by which it was appointed, and its proceedings and correspondence had to be laid before the Burgesses at each session. Twelve of the British-American colonies responded to Virginia's suggestion, and each of them followed her example by appointing a committee of correspondence. In each case the committee was appointed by the Lower House, and in each the speaker was a member of the committee. Each of the colonial legislative bodies so responding required the committee of correspondence to lay proceedings and correspondence before it from time to time, and the duties assigned the committee were the same as those assigned the Virginia committee. This meant that the committee, in

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<sup>3</sup> Journals of the House of Burgesses, 1773-1776, pp. 28, 41.

whatever action it might take, must voice the wishes of the majority of the body by which it was appointed and to which it was responsible for what it might undertake. Such a chain of committees of correspondence, appointed by the assemblies and amenable to them, could be revolutionary only in so far as the bodies to which they belonged were revolutionary. However irregular the action of these committees may have seemed to the British government, the first measures taken by them in opposition to the British encroachments on the rights, or supposed rights, of the colonial legislatures can hardly with justice be called revolutionary. Indeed, the measures urged by the committees looked forward to a protection of colonial liberties by a closer union with the mother-country,—a constitutional union, which would guarantee their legislative functions to the colonial assemblies. Nevertheless, we shall see how it evolved as one of the chief factors in the making of the Continental Congress.

The resolutions of the Virginia House of Burgesses appointing the committee of correspondence show that the work of the committee lay in two directions. The committee was instructed to obtain the earliest and most authentic news of the acts of the British Parliament or proceedings of the administration relating to or affecting the British colonies in America. This was its first function; the other function was to keep up and maintain correspondence and communication with the other American colonies.<sup>4</sup> These two functions were of the utmost importance; for in what was taking place in the home government beyond the sea lay the danger to American legislative freedom, while concerted action on the part of the colonial assemblies might guarantee the cherished right of internal taxation which they had so long enjoyed. Public sentiment in the colonies had not ripened yet for a separation from Great Britain, and the colonies saw in united action a program which they hoped would work out a constitutional union, and which, while it

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<sup>4</sup> Journals of the House of Burgesses, 1773-1776, p. 28.



protected their rights, would weld them closer to the mother-country. Information of what was happening in England was important to the colonies; so too was authentic knowledge of the occurrences in the colonies themselves. It was such information from England and such knowledge of colonial affairs that the committee of correspondence was created to obtain and to utilize.

The intercolonial committees of correspondence, as standing legislative committees appointed by the lower houses of assembly of the respective colonies, can hardly be considered extralegal. The Virginia committee of March, 1773, which served as a model for the other intercolonial committees of correspondence, was but another standing committee added to the system already in use in the House of Burgesses. These standing committees of privileges and elections, propositions and grievances, courts of justice, public claims, trade, and religion had by this time become a permanent part of the legislative machinery of the House of Burgesses, and most of the routine work of that body was performed by them.<sup>5</sup>

For the institutional prototype of the intercolonial committee of correspondence, as well as for the principle underlying the committee system, one must look back of the local revolutionary committee of correspondence of Massachusetts, which Dr. Edward D. Collins has credited with being the model for our committee system and the germ of our government. In speaking of this Massachusetts committee Dr. Collins says: "It was a mother of committees, and these committees, local and intercolonial, worked up the war. It initiated measures, and its activities comprehended legislative, executive, and judicial functions. It was the germ of a government."<sup>6</sup> This statement does not seem to be justified by the evidence introduced.

The functions of the intercolonial committee of corre-

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<sup>5</sup> Jameson, *The Origin of the Standing Committee System*, p. 248.

<sup>6</sup> E. D. Collins, "Committees of Correspondence of the American Revolution," in *Annual Report of the American Historical Association*, 1901, vol. 1, p. 247.

spondence of 1773, as far as its duties in obtaining information from England regarding legislation and acts of administration touching the American colonies were concerned, were nearly identical with the work performed by the Virginia committee of 1759. This was a joint standing committee of the two houses of Assembly, created by them to correspond with the agent of the colony in England on all matters of interest to the colony. Although the governor and the Council, the appointive officers of the Virginia government, had been represented by an agent in England before 1759, the popularly elected branch of the Assembly up to this time had no representative there.

During the administration of Governor Dinwiddie a dispute had arisen between the House of Burgesses and the governor regarding the "Pistole Fee;" and the Burgesses, feeling that Mr. Abercrombie,<sup>7</sup> the agent for the governor and the Council, would represent the interests of those who employed him and not the interests of the colony as voiced by its elective body, had sent a special agent to England to represent them in this controversy. This had been a great inconvenience and expense to the colony, and had created a desire among the members of the Assembly for an agent who should represent the legislature of the colony in all matters that might come up before the Parliament or the administrative boards in England.

The Agent's Act was passed by the House of Burgesses on March 28, 1759, after having been amended and agreed to by the Council; and on April 5 it received the assent of the governor and became a law.<sup>8</sup> By the provisions of this act Edward Montague, of the Middle Temple, was appointed the agent of the colony, to be at all times

under the direction of the honorable William Nelson, Thomas Nelson, Philip Grymes, and Peter Randolph, esquires [of the Council];

<sup>7</sup> James Abercrombie, agent in England of the governor and the Council of Virginia, was a lawyer, and served as judge advocate to General St. Clair in 1746. He was agent for North Carolina from 1748 to 1758, and was also a private agent of Governor Glenn of South Carolina.

<sup>8</sup> Journals of the House of Burgesses, 1758-1761, pp. 109, 110, 118.

John Robinson, Peyton Randolph, Charles Carter, Richard Bland, Landon Carter, Benjamin Waller, George Wythe, and Robert Carter Nicholas, esquires [of the House of Burgesses], who are hereby declared to be a committee of correspondence, to transmit such matters and things to him as shall be committed to their charge by the General Assembly; and to receive from him information and intelligence of his proceedings, as well in such cases as shall be to him intrusted by the said committee, or the major part of them, as in every other matter and thing that shall come to his knowledge, that may either affect or be for the interest of this colony.<sup>9</sup>

It was further provided that this committee should, when required by the Assembly, lay before that body "copies of all such letters and instructions as shall be by them sent to such agent, and also the originals of all letters by them received from the said agent." Only a majority of the members were authorized to act as a committee, and any member or members less than a majority who should presume to enter into a correspondence with the agent repugnant to the letters or instructions sent him by the majority should be guilty of a misdemeanor and liable to the censure of the General Assembly. The remaining clause of the act provided for the appointment of a successor in case the present agent should die or be for any reason unable to serve; fixed the salary of the agent at five hundred pounds sterling per annum; and specified that the act should continue and be in force for a period of seven years from its passage.<sup>10</sup>

The similarity of this committee to the one appointed by the House of Burgesses in 1773 is at once apparent. Each was a standing legislative committee. Each possessed the power to exercise its proper functions in the recess between the sessions of the legislature. The proceedings of each had to be laid before the body by which it was appointed and to which it was amenable. In function and in manner of appointment the one bears a close resemblance to the other. An examination of their personnel reveals the fact that three of the original committee of 1759—Peyton Randolph, Richard Bland, and Robert Carter Nicholas—were members of the committee of 1773, while Dudley Digges,

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<sup>9</sup> Hening, vol. vii, p. 276.

<sup>10</sup> Ibid., pp. 276-277.



also a member of this committee, had been added to the earlier committee in 1763.<sup>11</sup>

To neither of these committees has the local revolutionary committee of correspondence, of which the first was appointed in Massachusetts in 1772, any points of striking resemblance, if we except the fact that the object of all three was the writing of letters for a particular purpose. These Massachusetts committees were purely local, and, important as was their work in advancing the revolutionary movement in the colony of Massachusetts itself, their activities were intracolonial rather than intercolonial. They appear to be the narrowing down of the principle of correspondence to meet local needs and effectively to unify public opinion within the colony itself. Dr. Collins's attempt to make these committees the parent of the wider and more far-reaching movement seems a confusion of ideas. Each of the colonies had two tasks to perform in order to enable the American provinces successfully to uphold their rights against the encroachments of Crown and Parliament. One task was to work out unity of sentiment among the people of the colony itself—the intracolonial problem, hard or easy of solution according to the political organization and the feelings of the population on matters of colonial rights. The other task, far more difficult on account of the sectional feelings and different economic interests of the various colonies, was the problem of intercolonial relations—the working out of a union among the colonies themselves.

The method of securing united action within the colony itself is a matter for which separate research must be made in the records of each colony if any definite and satisfactory results are to be obtained. In each of the colonies different problems were constantly arising for solution; in none of them was the situation identical; and in most of them widely dissimilar conditions prevailed. Curiously enough, Dr. Collins, after distinguishing between the revolutionary and the intercolonial committees of correspond-

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<sup>11</sup> Journals of the House of Burgesses, 1761-1765, pp. 193-196; Hening, vol. vii, pp. 646-647.

ence, almost immediately disregards this distinction and makes the revolutionary committee the starting-point for a committee of an entirely different nature.

The chief difference between the Virginia committee of 1579 and that of 1773 is that the former was a joint committee chosen from both houses of the General Assembly, while the latter was a committee of the House of Burgesses alone. The fact that the committee of 1773 was thus chosen indicates that in the period of fourteen years since the creation of the first committee the Burgesses had realized that a committee of correspondence under their sole direction would work far more effectively than a joint committee from both legislative branches. During this period England's colonial policy had been almost completely changed in character. From a loose and ineffective supervision of colonial affairs, almost *laissez-faire* in character, there had developed a policy of close and intimate regulation by the home government through the medium of its Board of Trade. Since 1763 the new imperial policy of the British government had been at work, and the result of the attempts of Parliament to legislate for the colonies in local matters, especially in the field of internal taxation, had been to create in their legislative bodies a desire to protect in every possible way the rights that they had so long exercised. In protecting these cherished rights the committee of correspondence was a most effective weapon.

While the committee of 1759 was a joint committee, it was virtually under the control of the House of Burgesses; for not only did the latter have a majority of the members on the committee, but an examination of the proceedings and correspondence during the period from 1759 to 1770, most of which have come down to us,<sup>12</sup> shows that the select committees which prepared the letters to the agent were

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<sup>12</sup> The proceedings of the committee of correspondence, 1759-1770, are preserved in the Archives Department of the Virginia State Library. They have been published in the *Virginia Magazine of History and Biography*, vol. ix, pp. 353-368; vol. x, pp. 337-356; vol. xi, pp. 1-25, 131-143, 343-354; vol. xii, pp. 1-14, 157-169.

in nearly every case composed entirely of the burgess members of the committee.<sup>13</sup> In the cases of which we have record where this select committee contained members from both bodies we find that in one instance an equal number from the Council and the Burgesses was appointed,<sup>14</sup> and in the others a majority of the burgess members.<sup>15</sup>

Most of the work of the earlier committee consisted in instructing the colonial agent, Edward Montague, as to what legislation of the colony he should support before the king, the Parliament, or the Board of Trade. The committee usually furnished the agent with reasons to be used by him in his arguments before the king or either of these bodies whenever any laws of the colony were called into question. Often, as in the case of the acts of 1755 and 1758 for allowing the inhabitants to discharge their tobacco debts in money,<sup>16</sup> a full and complete history of the circumstances surrounding the passage of the acts under discussion was given.<sup>17</sup> The question raised by the opposition to the Two Penny Act was the right of the Virginia Assembly to pass temporary legislation. Montague was ordered to defend the act in question against the attacks of the clergy, and in any proceedings that should be carried to England in a suit which had been instituted by the Reverend John Camm against the vestry of York Hampton Parish to recover from them the full market value of his salary, he was to employ counsel on behalf of the vestries or collectors who had been working under the provisions of this act.

While Mr. Camm's suit was pending, other ministers sued their vestries without much success. Of these cases the most celebrated was the "Parson's Cause," tried in the county court of Hanover in December, 1763. It was at this

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<sup>13</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. x, p. 339; vol. xi, pp. 10, 22, 132; vol. ix, pp. 356-357.

<sup>14</sup> *Ibid.*, vol. x, p. 339.

<sup>15</sup> *Ibid.*, vol. xi, pp. 132, 133.

<sup>16</sup> Hening, vol. vi, p. 568; vol. vii, pp. 240-241. This act of 1758 was popularly known as "The Two Penny Act."

<sup>17</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. x, pp. 347-356.



time that Patrick Henry, as counsel for the defendants, first came before the public eye in a speech in which he boldly and eloquently stated the rights of the people. Henry voiced popular rights more strongly than they had been before publicly stated; and from this advanced attitude he never receded, but assumed a position which in 1765 placed him at the head of the resistance to parliamentary encroachment, and made him the recognized leader of the movement for colonial legislative rights.<sup>18</sup> Only once had a stand anything like so advanced been taken, namely, the position maintained by James Otis in his argument against the writs of assistance; but Otis had receded from this position in 1765, when he pronounced treasonable the Virginia resolutions against the Stamp Act, of which Patrick Henry was the author.<sup>19</sup> When the Stamp Act Congress met, Otis hesitated to sign the address to the king and the Parliament, and did so only under the inducement of Thomas Lynch of the South Carolina delegation.<sup>20</sup>

The act for appointing the agent was objected to by the Board of Trade, which threatened to have it disallowed unless certain alterations desired by the Board were made by the Assembly. The objection to the act was that the term "Assembly" was used where the Board of Trade thought "General Assembly" should be used, as will be seen from this extract from a letter from Governor Fauquier to the Lords of Trade:

In relation to the Agent's Act, I am fully convinced that it was not the design of any part of the Legislature to g[i]ve the Committee of Correspondence any powers for which they should not be accountable to the General Assembly, so that the alteration desired by your Lordships will not as I apprehend meet with the least difficulty; whether the word General was left out by mistake, or whether the common acceptation of the words, Assembly and General Assembly, having the same import here, occasioned this, I know not,

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<sup>18</sup> Henry, Patrick Henry, vol. i, p. 100.

<sup>19</sup> Hutchinson, vol. iii, p. 119.

<sup>20</sup> W. Gordon, *The History of the Rise, Progress and Establishment of the Independence of the United States of America*, vol. i, p. 121.

but your Lordships may depend on my rectifying this in the next session.<sup>21</sup>

This promise of Governor Fauquier was carried out. The letter from which the above extract was quoted was written on the first of September, 1760, and in October the assembly passed "An Act to explain and amend the Act, intituled, An Act for appointing an agent."<sup>22</sup>

This letter throws some light on the circumstances surrounding the passage of the act creating the colonial agent and appointing the committee of correspondence, under whose instructions he should work:

I hope Your Lordships will indulge me in the explanation of the step leading to this Agent's Act. When my predecessor the Honble Mr *Dinwiddie* had a dispute in this Colony abt the Pistole Fee, the Burgesses lamented their not having an Agent at Home, to represent affairs of this nature to His Majesty and Your Rt Honble Board, supposing naturally enough that Mr *Abercrombie* who was paid by the Govt and Council out of the 2sh. duty, would not solicit that or any other affair against the Govr; so they sent home an Agent<sup>23</sup> on purpose at a great expence. From that time they have been very intent on an Agent's Act, which in Mr *Dinwiddie*'s time they could never obtain; so intent were they on this affair, that they attempted to tack it to the money Bill, in the second Session after my arrival, which I told them I would certainly refuse under such conditions. As I hoped never to make myself liable to any complaint, I could not see the ill consequence of letting them have an Agent, upon their raising money on themselves to pay him. Thus the Agent's Bill was prepared and passed. Notwithstanding this appointment of an agent by Act of Assembly, Mr *Abercrombie* is still continued as Agent to me and the Council to transact all business relating to the Royal Revenues, and such other affairs as are immediately under our cognizance only. He has instructions to co-operate with the other Agent in all matters for the behoof and benefit of the Colony.<sup>24</sup>

There seems to be no reason why we should not accept this

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<sup>21</sup> Letter from Lieutenant-Governor Fauquier to the Lords Commissioners for Trade, etc., in Bancroft Transcripts, Library of Congress. Printed in Appendix to Journals of the House of Burgesses, 1758-1761, pp. 287-289.

<sup>22</sup> Journals of the House of Burgesses, 1758-1761, pp. 190-196; Hening, vol. vii, pp. 375-377.

<sup>23</sup> Peyton Randolph, who was afterwards a member of both committees of correspondence.

<sup>24</sup> Letter from Lieutenant-Governor Fauquier to the Lords Commissioners for Trade, etc., in Bancroft Transcripts, Library of Congress. Printed in Appendix to Journals of the House of Burgesses, 1758-1761, pp. 287-289.

explanation of Governor Fauquier. His reasoning is logical; and whether one agrees with his analysis of the situation throughout or not, it was what he believed at the time concerning the affair, and history has shown that he was a man of tact and good sense. It is hardly too much to say of him that had his advice been followed by the British government in regard to colonial taxation, many of England's troubles in America might have been avoided. That he had correctly gauged the feeling of legislative independence which, even at this time, characterized the Virginians is shown by the fact that as early as 1760 he had warned Pitt that any taxation laid upon the colonies by the British government would lead to the most serious disturbances;<sup>25</sup> and it was only about five years later that his unheeded advice was proved to have been correct by the storm of protest that greeted the news of the Stamp Act.

Without discounting the testimony of Governor Fauquier, however, it may be said that he does not seem to have recognized that, in the creation of the committee of correspondence, the House of Burgesses had found a weapon with which to fight the future encroachment of king and Parliament. Fauquier was on good terms with the people of his colony, who seem to have liked him; and notwithstanding differences of opinion that arose between him and the members of the House of Burgesses, their personal relations were cordial. Of this there is abundant evidence in the journals of the House of Burgesses,<sup>26</sup> as well as in the letters<sup>27</sup> of the committee of correspondence to their agent. The good feeling which is manifested in their relations with each other is the best explanation of his failure to realize how effectively the Burgesses might use the committee of correspondence in a conflict between the executive and the legislative branch of the colonial government.

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<sup>25</sup> W. Gordon, *Independence of the United States*, vol. i, p. 136.

<sup>26</sup> See *Journals of the House of Burgesses*, 1758-1761, and 1761-1765, especially the Messages of the Governor to the Assembly and the Addresses of the Assembly to the Governor during those years.

<sup>27</sup> *Proceedings of the Committee of Correspondence*, in *Virginia Magazine of History*, vol. xi, pp. 11, 13, 25.



On the other hand, the Board of Trade, having in mind past conflicts between the legislative and the executive branch of the colonial government, and realizing the use that could be made of such a committee of correspondence if it were amenable to the House of Burgesses alone, wished to have the act so drawn that the committee of correspondence should be clearly under the control of the General Assembly. With plans for a new and more closely supervised colonial policy under way, it is not unlikely that the administration expected trouble, and did not wish to give the Virginia House of Burgesses so powerful a weapon with which to oppose its colonial plans.

That the Agent's Act was passed in good faith by the Virginia Assembly, and that it was clearly set forth in the provisions of the act that the committee of correspondence should be under the joint control of both houses, were facts so evident to the General Assembly that, while that body was willing to amend and explain the act, as requested by the governor under instructions from the Board of Trade, the language of the explanatory clause in the new act clearly shows that the Assembly itself did not think the act of 1759 in any way ambiguous. While the Virginia legislature saw no need for explaining and amending the earlier act, it was so anxious to retain its agent and its committee of correspondence that it complied with the wishes of the administration and thus saved the act from being disallowed.<sup>28</sup>

In its first letter to Mr. Montague, written December 12, 1759, the committee of correspondence states in these words the reasons for the appointment of an agent:

The Appointment of such an Officer to represent the Grievances of the People, to justify their Conduct to their Sovereign, to obtain his Approbation & Assent to such Laws as their Representatives shall think necessary for their Welfare and good Government, to implore his Assistance in the time of Danger and Calamity, and to protect and explain their Rights & Interest in Parliament, seem to be the natural Privilege of all Colonies, so far removed from their King and Mother Country. Yet the People of this Colony have had the Misfortune allways to be disappointed in their Endeavors

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<sup>28</sup> Hening, vol. vii, pp. 375-377. Clause III of this act is the explaining and amending clause.

to attain this Right, tho universally claim'd, and enjoy'd by all his Majesty's other Colonies and have been obliged to depend for these great and important Services on an Agent appointed by the Governor and Council, who for want of the Weight which a national Establishment would have given him, the Authority which must necessarily be derived from every Power of the Legislature, the Instructions when and for what Reasons he should interpose, must have been very deficient in his Duty, when considered as regarding the whole. Besides sometimes different Interests arise among the different Branches of the Legislature, different instructions then become necessary; an Agent so appointed is obliged to obey those by whom he is appointed, and by the plainest Consequence in Affairs of the greatest Moment, the Body of the people may be left without the Shadow of a Representative.<sup>29</sup>

As shown by the extract just cited, the reasons for the appointment of the agent as set forth by the committee of correspondence are substantially those given by Governor Fauquier to the Lords of Trade.

In another paragraph the relation between the agent and the committee of correspondence is clearly stated as follows:

We being by the same Act appointed a Committee to correspond with the Agent, must now desire you to take this Office upon you, and that you will take Care allways to be ready to prevent the Repeal of Laws passed by the Legislature, the Reasons for which, will be from time to time transmitted to you by us; to support any Representations which it will be necessary to make, and for that Purpose will not fail to attend them thro' the several Boards to which they may be referred; To give early Intelligence of anything that may be moved in Parliament, or the Department for American Affairs to this Committee; And in all things relative to this Colony, to use your best Endeavors, according to your Discretion, to protect her Rights and secure her Interest.<sup>30</sup>

From this statement of his duties it will readily be seen that the chief function of the agent was to look out for any acts passed by the colonial legislature which might be called into question by the home government. In the exercise of this function he was to act under the instructions sent him, from time to time, by the committee of correspondence. Another important duty was the communication to the com-

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<sup>29</sup> Letter from the committee of correspondence to the agent, dated December 12, 1759. Original in Virginia Archives. Printed in *Proceedings of the Virginia Committee of Correspondence*, in *Virginia Magazine of History*, vol. x, pp. 342-353.

<sup>30</sup> Letter to the agent, in *Virginia Magazine of History*, vol. x, p. 343.

mittee of the proceedings of Parliament or of any of the various governmental boards relative to American affairs, especially to the colony of Virginia. This latter function was very much the same as that of the intercolonial committees of 1773, the difference being that in this case the correspondence was carried on between the committee and the agent, whereas in 1773 the corresponding parties were committees of correspondence of different colonies, working for mutual interests.

Up to the year 1764 the records of the committee of correspondence are fairly well preserved. An examination of the proceedings and the correspondence shows that the committee was active in furnishing the agent with instructions regarding the legislation which he should support, and that it furnished him with data upon which he should base his arguments before the various bodies in which he had to appear in defending the acts of the General Assembly.

During the year 1759 there were six meetings of the committee of correspondence;<sup>31</sup> and of these meetings we have the minutes. Most of these meetings were taken up with deciding on instructions to be sent to the agent and in appointing a select committee to prepare the first letter written to him. The letter was finally forwarded to Montague on December 12. The principal matters to which his attention was directed by the committee were the defence of the vestries or collectors in any proceedings against them growing out of the provisions of the Two Penny Act, to which allusion has already been made; the solicitation of Virginia's share in the money appropriated by Parliament to reimburse the colonies in part for their great expenditures in the war against the French and Indians; to endeavor to procure the king's assent to "An Act for settling the Titles and Bounds of Lands and for preventing unlawful Hunting and Ranging," which as it had a suspending clause could not go into

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<sup>31</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. x, pp. 337-341.



effect without the royal assent;<sup>32</sup> and to make a defence against the complaints of the British merchants of the action of the Virginia Assembly in issuing treasury notes, and making them legal tender for sterling debts, subject to exchange whose rate should be determined by the courts.<sup>33</sup>

The regulation of the rate of exchange when sterling debts were paid in treasury notes, which had been issued by the Assembly to meet the increased expenditures of the war, was a matter of great importance, underlying as it did the very foundation of the economic life of the colony. By an instruction sent to the governor,<sup>34</sup> the Assembly had found that the merchants of Great Britain were still dissatisfied with the law making these notes (issued pursuant to several acts of Assembly for the defence of the colony) a proper tender for sterling debts. The reasons for the passing of such legislation were given to the agent, with a short review of the conditions leading up to the acts in question, in order that the agent might have material upon which to base his arguments in support of the action of the Assembly. From the "Defence of the Virginia Paper Currency"<sup>35</sup> enclosed in this letter to the agent, and from the statement of the situation made in the letter, it appears that the treasury notes of the colony and the laws governing their issue were emergency measures based on large humanitarian principles, and designed for the protection of the people and the security of the creditors.<sup>36</sup>

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<sup>32</sup> Hening, vol. v, pp. 408-431. This statute was passed to put into one act all the existing laws of the colony relating to the conveyancing, taking up, settling, saving, and cultivating of lands; and also to include with them an act prescribing the method of docking the entails of land of no greater value than £200 sterling, by a writ, called a Writ of Ad quod Damnum.

<sup>33</sup> Letter to the agent, in *Virginia Magazine of History*, vol. x, pp. 345-347. This letter gives reasons for the passage of this law, namely, that exchange being a fluctuating quantity, the act of Assembly gave the courts the power of determining the difference between the value of sterling money and the treasury notes at the time of judgment.

<sup>34</sup> *Journals of the House of Burgesses, 1758-1761*, p. 134.

<sup>35</sup> *Proceedings of the Committee of Correspondence*, in *Virginia Magazine of History*, vol. xi, pp. 1-5.

<sup>36</sup> W. Z. Ripley, *The Financial History of Virginia*, pp. 153-162; see also *Virginia Magazine of History*, vol. vi, pp. 127-134, which

In the year 1760 there were three meetings of the committee of correspondence, held during the months of October and November, the result of which was a second letter to the agent.<sup>37</sup> In this Montague was notified that he was not to look upon Abercrombie as agent of the colony, but that he should consider himself as such to all intents and purposes, and "not suffer any other Person to interfere" with him in the execution of that office.<sup>38</sup> He was further notified that the act for appointing an agent had been amended and explained so as to remove the objection urged against it by Sir Matthew Lamb, which had been the basis of the objection by the Board of Trade already noted.

Montague was likewise instructed how he should proceed in collecting Virginia's proportion of the money granted to the American colonies by Parliament. He was informed of the passage of two acts of Assembly, "the one for recruiting & further continuing the old Regiment in the Service of this Colony," and for other purposes therein mentioned,<sup>39</sup> the other for appointing "Persons to receive the money granted or to be granted by the Parliament of Great Britain to his Majesty for the use of this Colony."<sup>40</sup> By a clause in the former of these acts the governor, the president of the Council, and the speaker of the House were authorized to draw bills of exchange on James Abercrombie to the amount of £20,000, Virginia currency. By the other

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contains a letter written by Richard Bland, a member of this committee of correspondence, in which he says that the British merchants at first bitterly opposed the note issue, but at the time he was writing they were the warmest solicitors of the Assembly for that species of money. He states that of £750,000 treasury notes which were issued during the war, it was probable that only the amount of £60,000 was outstanding. In discussing Virginia's first experience with paper money, Ripley says that it was on the whole a creditable one. "But we must remember the distress of the times, and the heroic exertions of the colony during the [French and Indian] war. In view of these facts, the moderation and foresight of her statesmen is in marked contrast with the reckless financing of some of the other colonies both north and south" (p. 160).

<sup>37</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. xi, pp. 10-17.

<sup>38</sup> *Ibid.*, p. 12.

<sup>39</sup> Hening, vol. vii, p. 369.

<sup>40</sup> *Ibid.*, p. 372.

act the same officers of the colony were authorized and empowered to draw bills of exchange on the said Abercrombie for the balance remaining in his hands of the £32,260 19s. and £20,546 allotted by His Majesty to the colony; and Montague was authorized and empowered to receive this money from Abercrombie, after having informed himself what commissions had been allowed the agents of the other colonies for the collection of similar claims. Any further grants of money to the colony Montague was authorized to receive. In this letter it is clearly shown that the committee of correspondence looked to Montague as the agent of the colony.<sup>41</sup>

In this letter there was also enclosed an address and explanation regarding legislation enacted by the General Assembly, which had been thrown in an unfavorable light by the complaints of the clergy. The agent was directed to make use of the arguments set forth in the representation, which the committee conceived to be "sufficient to acquit the Legislature of any sinister or disloyal Intentions."<sup>42</sup> So important did the committee of correspondence deem the matters discussed in that document that it wrote the agent concerning them as follows:

But as the matters contain'd in the latter Part of the Representation are of the greatest Importance to this Colony, & the very being of the Constitution depending thereon, it may be necessary to add some further Observations and Reasons to those contained therein. The Instructions to the Governor of this Colony were given by King Charles the second soon after the Restoration, & have had little Alteration since. By the 16th Article of those Instructions the Governor is directed to pass no Act of less Continuance than two Years, & no Act repealing or amending any other Act, whether the same has or has not receiv'd his Majesty's Assent, unless a Clause be inserted suspending the Execution thereof until his Royal Pleasure shall be known. So far as relates to the passing Acts for repealing or amending any Act assented to by His Majesty, the Assembly has always paid a due Obedience to his Instructions, but the Instruction relating to the repealing or amending Laws, which never have had His Majesty's Assent, or have been made for a shorter term than two Years, has never been attended to. And as

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<sup>41</sup> Letter to the agent, in *Virginia Magazine of History*, vol. xi, p. 14.

<sup>42</sup> *Ibid.*



a proof that this Instruction has not always been enforced even by the Ministry, the General Assembly revise'd our Laws in 1748, when many of them were both alter'd and repeal'd. The Ministry at that Time were so far from disapproving their Conduct, that they recommended it to the other Colonies to imitate their Example. By a Recourse to the Laws, you'll find that the Assemblies have exercis'd this Power since the Date of the Instructions so much relied on. And we are persuaded that this Instruction would not at this Time have been enforced, had it not been for the Clamour of a few dissatisfied Clergy, who preferring their own interest to every other Consideration, have not hesitated by their cunning & artful Insinuations, & by their false & scandalous Representations to blacken the Character of the Legislature of this Colony. Upon this factious Complaint of the Clergy his Majesty has been pleas'd to send an Additional Instruction to enforce that old Instruction, which has been so long consider'd as obsolete, By which the Governor, who is on every Occasion desirous of promoting the Interest & Happiness of this Colony, thinks himself restrain'd from passing any Act contrary to the Letter thereof. And it is apparent that if he should adhere thereto, the Privilege of making Laws, which all his Majesty's colonies have, & ought to enjoy, will be abridg'd, & in a great Measure abolished.<sup>43</sup>

The necessity of passing temporary legislation is explained by the committee, and it is shown that this would be impossible if the new instructions were adhered to:

For all countries are liable to such Changes & Accidents, as require the immediate Interposition of the Legislature, And no less than an infallible Power can form Laws so perfect that they may not afterwards stand in Need of Alterations or Amendments. You can easily suggest the many Inconveniences we must necessarily labour under, by being oblig'd to suspend the Execution of any Act, let ye emergency be ever so great, till his Majesty's Pleasure can be known. It is well known, that we have been in a state of War ever since the Year 1753, that we have been under a Necessity to make annual Provision for our Troops, and to guard against the various & unforeseen Events which must happen at such a Time, That an annual Provision must be made to prevent Mutiny & Desertion, neither of which can be done if we are restrain'd by Instructions from passing such occasional Laws.<sup>44</sup>

The letter shows further that in the year 1705 an act<sup>45</sup> was passed by the Assembly for paying the burgesses one hundred and thirty pounds of tobacco and cask per diem, which was equivalent to ten shillings; and that notwithstand-

<sup>43</sup> Letter to the agent, in *Virginia Magazine of History*, vol. xi, pp. 14-16.

<sup>44</sup> *Ibid.*, p. 16.

<sup>45</sup> *Hening*, vol. iii, p. 244.

ing the great advance in the value of tobacco, the Assembly had consistently passed acts fixing the salaries of the burgesses in money at ten shillings per diem. This was done to ease the people, and shows conclusively that the burgesses had not acted on principles of self-interest, but for the general good of the people of the colony.

For the year 1761 we have the record of three meetings of the committee of correspondence. The first was held on May 4, and resulted in the drafting and adopting of a third letter to the agent.<sup>46</sup> In this he was instructed to defend the passing of an act of Assembly entitled, "An Act for the Relief of certain Creditors,"<sup>47</sup> and to support the act should its validity be called into question before the Privy Council in an appeal from a decree in Chancery passed by the Virginia general court. The case in which the validity of this law was involved was that of Thornton et als. v. Buchanan and Hamilton, late of London, Bankrupts, and their Assignees and Factors in Virginia. As the respondents would send over a copy of the decree of the general court and as they would also employ counsel to prevent a reversal of the decision of that body, the agent was instructed not to act as a principal in the dispute, although he was asked to employ the best counsel he could to defend the act; and he was furnished with a copy of the act, ratified in due form by the king. This ratified act of Assembly the committee declared "no power on Earth can alter the Force of . . . less than our Assembly with his Majesty's Assent." Montague was further instructed regarding the number of soldiers furnished for the campaign of 1760. He was provided with evidence to prove that the colony had expended all that they had received of the former parliamentary grants, and that there would be a large deficiency when the expenses of the war were all paid. He was also to make application to the Lords of the Admiralty for some protection to the trade between Great Britain and Virginia, as it was being preyed

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<sup>46</sup> Letter to the agent, in *Virginia Magazine of History*, vol. xi, pp. 18-21.

<sup>47</sup> *Hening*, vol. v, p. 244.

upon by the privateers of the enemy. Not only had their letters to the agent been twice taken in this way, but the people were complaining of the unprotected condition of the coasts of the colony; and a trading ship from Guinea had been carried off from the entrance to the largest Virginia harbor. Against such conditions the agent was instructed to enter a protest.<sup>48</sup>

At a meeting on June 3 the fourth letter to the agent was adopted and signed by the members who were present, the letter having been previously drafted by a select committee consisting of Messrs. Peyton Randolph, Nicholas, and Wythe, who had been appointed to this committee at the meeting held on the eleventh.<sup>49</sup> In this letter Montague was notified that his letters of February 15 and 19 and March 3 and 5 had been received; and the committee expressed itself as being pleased with his work. The delay in transmitting the Assembly's expressions of grief at the death of George II, as well as their congratulations to his successor on his accession to the throne, was explained as being due to the fact that these matters had had to await the meeting of the Assembly. In regard to the appropriations of Parliament to the colonies for their war expenses the committee wrote as follows:

If the resolution of the lords of the treasury 'to admit no solicitations from the agents relating to the distribution of the money granted by parliament' is not unalterable; if they can be made acquainted with what we have formerly written on that head; if they knew what is notorious and confessed here, that Maryland did not furnish a single man for the service in 1759, and for several years before; and if they were informed that 1,000 of the men levied, subsisted and paid by this colony last campaign, serving under an officer who received his orders from General Amherst, were intended to have joined his majesty's forces under Col. Monkton, and would actually have done so, but they were afterwards, with the general's approbation, directed to assist the forces from South Carolina under col. Montgomery. We say if these considerations were sufficiently attended to, have we not reason to hope the application of the money would be more justly proportioned to the vigor and strenuous efforts of the respective provinces?

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<sup>48</sup> Letter to the agent, in *Virginia Magazine of History*, vol. xi, pp. 18-21.

<sup>49</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. xi, pp. 21-23.



The only other matter of great importance discussed in this letter was the regulation of the commission to be paid to the agents for the collection of these parliamentary grants; and Montague was notified that he was to get one and a half per cent for his collections. In regard to the excessive commissions charged by Abercrombie, he was to notify that gentleman that these should be reduced to that percentage of the money collected, or Montague would refuse to pass his account at the treasury.<sup>50</sup>

The proceedings of the committee of correspondence that have been preserved for the year 1762 are extremely meagre. These records show two meetings in the spring of that year, one on April 30 and the other on May 4. At the first meeting a letter was ordered to be prepared by a select committee, then appointed, and the subjects of instruction for the agent were stated in an order by the committee as a whole. The minutes of the second meeting simply show what members were present. As this meeting was held a few days after that just mentioned, it is likely that the select committee for preparing the letter to the agent reported back to the full committee its draft of the letter, which on that day was signed by the members present, for we find an allusion made to the letter to the agent of the date of May 4 in a later meeting of the committee.<sup>51</sup> No copy of this letter is found in the record of the proceedings of the committee of correspondence though it was undoubtedly prepared and transmitted to the agent.<sup>52</sup>

The records of the committee of correspondence are more complete for the year 1763. Meetings were held on the following dates: March 29, June 16, and June 17. At the first meeting it was decided that a select committee should prepare a letter to the agent which should furnish reasons for the support of the law relating to the election of the bur-

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<sup>50</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. xi, pp. 23-25.

<sup>51</sup> *Ibid.*, p. 132.

<sup>52</sup> *Ibid.*, pp. 131, 132.

gesses,<sup>53</sup> the law for the relief of insolvent debtors,<sup>54</sup> the law for regulating the gold coin of the German Empire,<sup>55</sup> and the law regarding "Strays."<sup>56</sup> The first and fourth of these acts having suspending clauses, the agent was instructed to apply for the king's assent to them. He was also to apply to Parliament for leave to import salt from any of the countries of Europe, and the committee furnished him with extensive arguments in favor of this privilege. Moreover, he was ordered to inform the committee at his earliest opportunity of any objection that should be urged against the importation of salt; and he was directed to ask the assistance of the other agents in securing the free importation of this necessity.<sup>57</sup> This was an important step toward cooperation.

At the meeting held on June 16 a letter was adopted, which had been previously drawn up by some members of the committee, answering the British Merchants' Memorial and the Resolution of the Board of Trade relative to the Virginia paper currency. It was ordered that two copies of the letter, as well as of the papers mentioned therein, should be prepared and sent to the agent.<sup>58</sup> The next day at another meeting, in which the same members were present, a letter was prepared enclosing a draft of an address prepared by the House of Burgesses in favor of the officers of the Virginia regiment for presentation to His Majesty. In this there were two enclosures, one a paper seeking consent of the king to a bill for declaring slaves personal property, the other, notifying the agent of the passage of an act for adding new members to the committee of correspondence. The second enclosure stated that the Assembly had agreed to allow Abercrombie's claim for £140, and would send the "proper powers for his obtaining it, upon

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<sup>53</sup> Hening, vol. vii, p. 517.

<sup>54</sup> *Ibid.*, p. 549.

<sup>55</sup> *Ibid.*, p. 575.

<sup>56</sup> *Ibid.*, p. 545.

<sup>57</sup> Letter to the agent, in *Virginia Magazine of History*, vol. xi, pp. 133-143.

<sup>58</sup> *Ibid.*, p. 350.

his paying the Ballance due, for which they will draw on him."<sup>59</sup>

That the committee of correspondence, during the years through which we have traced its proceedings, looked upon itself as a standing committee of the General Assembly is evident from the fact that its papers and correspondence were frequently laid before that body,<sup>60</sup> and that the committee carried out the orders and instructions of the Assembly is shown by the letters to the agent which contained instructions carrying out the resolutions of the legislature.<sup>61</sup> Composed as it was of the leading members of both the Council and the House of Burgesses, it is only natural that the committee of correspondence should have kept in close touch with those bodies.

During the year 1764 four meetings were held. At the first, held on January 18, the letters of Montague dated April 20, June 28, and October 10, 1763, were read and acknowledged. He was thanked for his care and attention to the interest of the colony, especially in regard to the parliamentary grant for the service of 1762. Approval was expressed of the "measures he had taken in concert with the other American agents to obtain a division of the Parliamentary grant of 1761; and he was directed to take the proper steps for receiving the proportion agreed to be refunded by the province of Pennsylvania." Should the act for regulating the election of burgesses be repealed, the agent was instructed to obtain permission for the reenactment of such parts as were not disapproved by the administration. In answer to the application of the gentleman who desired to have the colony sell him the right to an exclusive fishery at the Virginia Capes, Montague was ordered to answer that the committee believed all such exclusive grants to be extremely prejudicial to others; and further that it was of the opinion that the adjoining lands were bounded

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<sup>59</sup> Letter to the agent, in *Virginia Magazine of History*, vol. xi, pp. 348-349, 350-354.

<sup>60</sup> *Journals of the House of Burgesses, 1761-1765*, pp. 9, 70, 173, 175.

<sup>61</sup> *Ibid.*, 1761-1765, pp. 37, 159, 193.



by the sea, and the proprietors could not dispose of such a right.<sup>62</sup>

At a meeting held on June 15 letters from Mr. Montague bearing the dates of November 26 and December 23, 1763, and January 20 and 26 and March 10, 1764, were read,<sup>63</sup> and a committee consisting of Messrs. Wythe and Nicholas was appointed to prepare a reply. The draft of this letter was reported at the next meeting, July 28, when it was agreed to and signed by the members present, with the addition of a postscript "immediately penned at the Table."<sup>64</sup> The postscript was prompted by the reading of a letter from Mr. Montague received since the last meeting, stating that Parliament seemed determined to tax the colonies. The reply is mostly confined to a discussion of the Stamp Act, and states very clearly the opposition on the part of the committee to such a measure. As Virginia took a leading part in the opposition to the Stamp Act and as the famous resolutions against that measure originated in the House of Burgesses,<sup>65</sup> it is especially important that the opinion of its committee of correspondence regarding taxation should be carefully examined. The statement made in this letter to the agent is based on the principle that representation and taxation go hand in hand; and their protest exhibits gloomy forebodings for the future.

We have been *very uneasy* at an Attempt made in Parliament to lay a Duty on the several Commodities mentioned in their Votes, of which you were pleased to favour us with a Copy; the tax upon Madeira Wine will be very inconvenient to us, & we had it in our Intention to furnish you with such Reasons ag't it as we thought

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<sup>62</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. xii, pp. 4-5.

<sup>63</sup> *Ibid.*, pp. 5-6.

<sup>64</sup> *Ibid.*, pp. 6-7.

<sup>65</sup> G. Bancroft, *History of the United States*, vol. iii, p. 112; Edmund Burke, Speech in the House of Commons, April 19, 1774, in P. Force, *The American Archives*, 4th series, vol. i, pp. 155-156 (cited as *American Archives*); Letter from John Adams to Patrick Henry, June 3, 1776, in C. F. Adams, *The Life and Writings of John Adams*, vol. ix, pp. 386-388. For Jefferson's statement to William Wirt and Edmund Randolph's statement in his *History of Virginia*, see Henry, Patrick Henry, vol. i, p. 100.

might have some Weight, but finding from the public Prints that an Act, imposing this Duty, had already pass'd, it is become unnecessary for us to say any Thing farther upon that Head. The Proposal to lay a stamp Duty upon Paper & Leather is truly alarming; should it take Place, the immediate Effects of an additional, heavy burthen imposed upon a People already laden with Debts, contracted chiefly in Defence of the Common Cause & necessarily to continue by express Stipulation for a number of years to come, will be severely felt by us & our Children; but what makes the approaching Storm appear still more gloomy & dismal is, that, if it should be suffer'd to break upon our Heads, not only we & our Children, but our latest Posterity may & will probably be involved in its fatal Consequences. It may, perhaps, be thought presumptuous in us to attempt or even desire any Thing which may look like a restraint upon the controlling Power of Parliament: We only wish that our just Liberties & Privileges as free born British Subjects were once properly defin'd, & we think that we may venture to say that the People of Virginia, however they may have been misrepresented, would never entertain the most distant Inclination to transgress their just Limits. That no Subjects of the King of Great Britain can be justly made *subservient* to Laws without either their personal Consent, or their Consent by their Representatives we take to be the most vital Principle of the British Constitution; it cannot be denied that the Parliament has from Time to Time, where the Trade of the Colonies with other Parts was likely to interfere with that of the Mother Country, made such laws as were thought sufficient to restrain such Trade to what was judg'd its proper Channel, neither can it be denied that, the Parliament, out of the same *Plenitude of its Power*, has gone a little Step farther & imposed some Duties upon our Exports; but to fix a Tax upon such Part of our Trade & concerns as are merely internal, appears to us to be taking a long & hasty Stride & we believe may truly be said to be of the first Importance.<sup>66</sup>

From this extract it will readily be seen that the committee of correspondence, while recognizing the power of Parliament to levy the tax provided for in the Stamp Act, distinguished clearly between the power of Parliament to levy such a tax and its right to do so. This distinction is especially apparent in the postscript before alluded to, which is as follows:

Since writing the foregoing Part of this Letter, we have received your last of 11 Apl; Every Mention of the parliam'ts Intention to lay an Inland Duty upon us gives us fresh Apprehension of the fatal Consequences that may arise to Posterity from such a Precedent; but we doubt not that the Wisdom of a British Parliamt will lead them to distinguish between a Power and Right to do any act. No man can say but that they have a power to declare that his Majesty

<sup>66</sup> Proceedings of Committee of Correspondence, in Virginia Magazine of History, vol. xii, pp. 9-10.

may raise Money upon the people of England by Proclamation, but no man surely dare be such an Enemy to his Country as to say that they have a Right to do this. We conceive that no Man or Body of Men, however invested with power, have a Right to do anything that is contrary to Reason & Justice, or that can tend to the Destruction of the Constitution. These things we write to you with great Freedom and under the greatest Concern, but your Discretion will teach you to make a prudent use of them.<sup>67</sup>

The postscript further asks why the British administration should not levy this sum of money in a constitutional way, if it was found necessary to meet the war debts by special taxes on the colonies. If a reasonable apportionment should be laid before the Virginia legislature, its past compliance with His Majesty's several requisitions during the late war left no room for doubt that it would do everything that could reasonably be expected of it. As the General Assembly would not meet until October 30, the agent was asked to do what he could to postpone any decision on this subject until its sentiments thereupon could be furnished to him by the committee of correspondence.

Unfortunately the records of the proceedings of the committee during the Stamp Act period are very meagre, but such as have been preserved are of extreme importance. In them we find the committee exercising functions which characterize the work of the committee of 1773. There was a meeting on December 19, toward the end of this session of the Assembly, which adjourned on December 21 to meet again the following May.<sup>68</sup> The proceedings of this meeting state that a letter was read from Mr. Montague, dated July 21, 1764, and that a reply was immediately prepared informing him of the proceedings of the present Assembly on the subject of taxes proposed to be laid on the colonies by Parliament. Copies of the address of the Assembly to the king and of the memorials to the two Houses of Parliament, which had been unanimously agreed to by the House of Burgesses and the Council,<sup>69</sup> were ordered to be

<sup>67</sup> Proceedings of Committee of Correspondence, in *Virginia Magazine of History*, vol. xii, p. 14.

<sup>68</sup> Journals of the House of Burgesses, 1761-1765, p. 309.

<sup>69</sup> *Ibid.*, pp. 257, 301-305.



prepared and sent to the agent, who was instructed to use every possible means to have them properly presented and to support them with all the influence he had. The committee expected that there would be trouble in having the memorial presented to the House of Commons, for it wrote regarding this matter as follows:

We are under some apprehensions that you will meet with Difficulty in getting the memorial to the Commons laid before them, as we have heard of their refusing to receive Petitions from the Colonies in former similar Instances. If this should be now the case we think you should have them printed and dispersed over the Nation, or the substance of them at least published in such manner as you may think least liable to objection, that the People of England may be acquainted with the Privileges & Liberties we claim as British Subjects; as their Brethren and the dreadful apprehensions we are under of being deprived of them in the unconstitutional method proposed.<sup>70</sup>

It is this function of publishing the colonial grievances and of stating colonial rights that is one of the most important features of the work of the committee of correspondence of 1773; and in the performance of this duty these two committees, the committee of correspondence appointed to communicate with the agent and the intercolonial committee of 1773, show a marked similarity.

This letter closed with a statement of the confidence of the committee in its agent, and with the declaration that the many proofs he had already given of attention to the interests of the colony gave assurance that he would do everything in his power to protect the rights of the colony at this time, and that it was persuaded that all of his efforts in that direction would be heartily seconded by the agents for the other American colonies.<sup>71</sup> Here in the face of a common grievance, which threatened alike the local self-government of every colony, the committee seemed to feel that mutual interests would draw the representatives of the various colonies together. Here also appears a desire that the agents of the respective colonies should cooperate

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<sup>70</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. ix, pp. 354-355.

<sup>71</sup> *Ibid.*, p. 355.

to protect legislative rights which were the common property of all. That the committee should have expected united action in a cause involving the very governmental independence of each of the colonial assemblies is proof that even at this time certain forces, both within and without the colonies, were making slowly for their union.

It is in the proceedings of the House of Burgesses that direct evidence is found of the use of this committee for the purpose of intercolonial correspondence.<sup>72</sup> In its meeting of June 13, 1764, the Massachusetts general court, upon the motion of Samuel Adams, had appointed a committee to act in the recess of the court and to cooperate with the other governments in obtaining a repeal of the Sugar Act and preventing a Stamp Act.<sup>73</sup> Here was a recess committee created for a specific purpose, and it is in answering the letter of this committee that we see the Virginia House of Burgesses, in November of that year, utilizing its already existing committee of correspondence for intercolonial communication. The letter from the Massachusetts committee was received by the speaker of the House of Burgesses in July, and was laid by him before that body on November 1, a few days after the opening of the session. On November 13 this letter, together with the letters to and from the agent, were referred to the committee of the whole house sitting on the state of the colony; and on the next day the committee reported that, after considering the state of the colony, it had come to several resolutions. The first three of these resolutions provided for an address to the king, a memorial to the House of Lords, and a memorial to the House of Commons, protesting against internal taxation save by their representatives. The fourth resolution was as follows:

That the Committee appointed to correspond with the Agent of this Colony in Great Britain pursuant to an Act of Assembly for appointing an agent, be directed to answer the letter of the 25th of

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<sup>72</sup> Journals of the House of Burgesses, 1761-1765, p. 257.

<sup>73</sup> W. V. Wells, *The Life and Public Services of Samuel Adams*, vol. i, pp. 49, 50.

June last from the Committee of the House of Representatives of the Province of Massachusetts Bay to the Honourable the Speaker of the House of Representatives for the Province of Virginia, and to assure that Committee that the Assembly of Virginia are highly sensible of the very great Importance it is, as well to the Colony of Virginia, as to America in general, that the subjects of Great Britain in this Part of its Dominions should continue the possession of their ancient and most valuable Right of being taxed only by Consent of their Representatives, and that the Assembly here will omit no Measures in their Power to prevent such essential Injury from being done to the Rights and Liberties of the People.<sup>74</sup>

It was for a similar purpose of intercolonial correspondence that the committee of 1773 was formed; and it is only reasonable to suppose that the four members of this committee who had also been members of the earlier committee were influenced by their previous experience. One thing is clear, that they had seen the earlier committee perform the duty of intercolonial communication regarding the Stamp Act, and as far as the rules under which the committee was to work were concerned, it will be shown that they were similar to those governing the earlier committee.

It is very much to be regretted that the valuable series of papers containing the proceedings of the Virginia committee of correspondence is incomplete. For the period between July 28, 1764, and November 9, 1769, only two papers have been preserved. These are the proceedings of a meeting held December 9, 1764, which we have already examined, and of meetings of September 14 and 19, 1765. At the meeting of September 14 a select committee, consisting of Peyton Randolph, George Wythe, and Robert Carter Nicholas, was appointed to prepare a letter to the agent informing him of the receipt of his letters of November 19, 1764, February 7 and 16, April 4, and May 1, 1765, and notifying him of spurious copies of the resolutions of the last session of the Assembly which were being dispersed and printed in the newspapers. In order that he might prevent any bad impression from the circulation of the alleged action of the House of Burgesses it was decided to send

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<sup>74</sup> Journals of the House of Burgesses, 1761-1765, pp. 233, 254, 256, 257.



him an authenticated copy of the resolutions passed on hearing of the Stamp Act.

These so-called "spurious copies" were doubtless copies made of the original draft by their author and mover Patrick Henry.<sup>75</sup> Originally there were seven resolutions, including the preamble, and it seems to have been Henry's intention to have all seven of them passed by the House of Burgesses. When this was found impossible, all seven were printed, probably for the effect they might have in the other colonies. They appeared in the *Newport Mercury* of June 24, and were copied in the Boston papers of July 1, 1765.<sup>76</sup>

There is in existence a transcript of the five resolutions that were adopted by the House of Burgesses, after having been introduced by Mr. Henry on May 29. On the back of the paper is an endorsement by Mr. Henry which gives his story of the passage of the resolutions.<sup>77</sup> Thomas Jefferson, then a student at William and Mary College, heard the debate, and gave the following interesting account of the passage of the resolutions and the subsequent expunging of the fifth resolution from the record:

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<sup>75</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. ix, pp. 355-360.

<sup>76</sup> Journals of the House of Burgesses, 1761-1765, Introduction, p. lxxv.

<sup>77</sup> Preserved at Red Hill, Henry's old estate in Charlotte County.

"The within resolutions passed the House of Burgesses in May 1765. They formed the first opposition to the Stamp Act and the scheme for taxing America by the British Parliament. All the colonies, either through fear, or want of opportunity to form an opposition, or from influence of some kind or other, had remained silent. I had been for the first time elected a Burgess a few days before, was young, inexperienced, unacquainted with the forms of the House, and the members that composed it. Finding the men of weight averse to opposition, and the commencement of the tax at hand and that no person was likely to step forth, I determined to venture, and alone, unadvised, and unassisted, on a blank leaf of an old law-book wrote the within. Upon offering them to the House violent debates ensued. Many threats were uttered, and much abuse cast upon me by the party for submission. After a long and warm contest the resolutions passed by a very small majority, perhaps of one or two only. The alarm spread throughout America with astonishing quickness, and the Ministerial party were overwhelmed. The great point of resistance to British taxation was universally established in the colonies. This brought on the war which finally separated the two countries and gave independence to ours."

Mr. Henry moved and Mr. Johnston seconded these resolutions successively. They were opposed by Messrs. Randolph, Bland, Pendleton, Wythe, and all the old members, whose influence in the House had, till then, been unbroken. They did it not from any question of our rights, but on the ground that the same sentiments had been, at their preceding session, expressed in a more conciliatory form, to which the answers were not yet received. But torrents of sublime eloquence from Henry, backed by the solid reasoning of Johnston, prevailed. The last, however, and strongest resolution was carried but by a single vote. The debate on it was most bloody. I was then but a student, and stood at the door of communication between the House and the lobby (for as yet there was no gallery) during the whole debate and vote; and I well remember that, after the members on the division were told and declared from the chair, Peyton Randolph (the Attorney-General) came out at the door where I was standing, and said, as he entered the lobby: 'By God, I would have given 500 guineas for a single vote'; for one would have divided the House, and Robinson, was in the chair, who he knew would have negatived the resolution. Mr. Henry left town that evening, and the next morning, before the meeting of the House, Colonel Peter Randolph, then of the Council, came to the Hall of Burgesses, and sat at the clerk's table till the House-bell rang, thumbing over the volumes of journals, to find a precedent for expunging a vote of the House, which, he said, had taken place while he was a member or clerk of the House, I do not recollect which. I stood by him at the end of the table a considerable part of the time, looking on, as he turned over the pages, but I do not recollect whether he found the erasure. In the meantime, some of the timid members, who had voted for the strongest resolution, had become alarmed; and as soon as the House met, a motion was made and carried to expunge it from the journal. There being at that day but one printer, and he entirely under the control of the Governor, I do not know that the resolution ever appeared in print.<sup>78</sup> I write this from memory, but the impression made on me at the time was such as to fix the facts indelibly in my mind. I suppose the original journal was among those destroyed by the British, or its obliterated face might be appealed to. And here I will state, that Burk's statement of Mr. Henry's consenting to withdraw two resolutions, by way of compromise with his opponents is entirely erroneous.<sup>79</sup>

The statements of Henry and Jefferson regarding the passing of the resolutions are substantiated in their essential details by Judge Paul Carrington, a member of the House of Burgesses from Charlotte County, and by Governor Fauquier. In his letter of June 5, 1765, written to the Board of Trade,<sup>80</sup> Fauquier states that five resolutions were

<sup>78</sup> Mr. Jefferson's memory seems to have misled him here, as there were printed in the Williamsburg Gazette the four resolutions appearing on the journal and two additional ones. See Henry, Patrick Henry, vol. i, p. 93.

<sup>79</sup> Wirt, Patrick Henry, vol. i, pp. 78-83.

<sup>80</sup> In Bancroft Transcripts, Library of Congress.

passed on May 30, when only thirty-nine of the one hundred and sixteen members composing the House of Burgesses were present. He says that the "greatest majority" for any of the five resolutions was 5, and that the vote on the fifth resolution was only 20 for to 19 against. He continues:

On Friday, the 31st, there having happened a small alteration in the House, there was an attempt to strike all the Resolutions off the Journals. The 5th which was thought the most offensive was accordingly struck off, but it did not succeed as to the other four. I am informed that the gentlemen had two more resolutions in their pocket, but finding the difficulty they had in carrying the 5th which was only by a single voice, and knowing them to be more virulent and inflammatory; they did not produce them. The most strenuous opposers of this rash heat were the Speaker, the King's Attorney and Mr. Wythe; but they were overpowered by the young hot and giddy members. In the course of the debates I have heard that very indecent language was used by a Mr. Henry a young lawyer who had not been a month a Member of the House; who carried all the young Members with him; so that I hope I am authorized in saying there is cause at least to doubt whether this would have been the sense of the Colony if more of their Representatives had done their duty by attending to the end of the Session.

What had happened was that a new leader had appeared in the House of Burgesses, one gifted with a power of oratory so magical as to cause Jefferson to say of his talents that "they were great indeed; such as I have not heard from any other man. He appeared to me to speak as Homer wrote."<sup>81</sup> But he was no less gifted in the fearlessness and the capacity so necessary to real, progressive leadership, and by his stand on the Stamp Act question he assumed the direction of his colony, while his spirited resolutions called the faltering statesmen in other provinces to fight boldly for colonial rights.<sup>82</sup>

Throughout the colonies there seems to have been quiet and submissive acquiescence in the stamp tax legislation until Henry's resolutions fired the people of all the colonies into open resistance. Otis had completely receded from the position he had taken on the writs of assistance, and was advising submission to the Stamp Act in these words:

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<sup>81</sup> P. L. Ford, *The Writings of Thomas Jefferson*, vol. i, p. 6.

<sup>82</sup> Henry, Patrick Henry, vol. i, pp. 98-100.



"It is the duty of all humbly and silently, to acquiesce in all decisions of the supreme legislature. Nine hundred and ninety-nine in a thousand of the colonists will never once entertain a thought but of submission to our Sovereign, and to the Authority of Parliament in all possible contingencies. They undoubtedly have the right to levy internal taxes on the colonies." Notwithstanding this position, which was shared by Oliver, the town of Boston reelected Otis to the Assembly and Oliver to the Council in the following May. Furthermore, the Assembly of Massachusetts, on November 3, 1764, had stated that it yielded "obedience to the Act granting duties."<sup>83</sup> In most of the other colonies the state of affairs was very similar to that in Massachusetts.<sup>84</sup> Yet even the conservative element in the Virginia Assembly had not questioned the right of the colony to lay its own internal taxes, although they opposed Henry's resolutions as being too bold a statement of these rights. We have seen that Robinson, Peyton Randolph, and Wythe, the leaders of the opposition to Henry's resolutions, the first named the recognized leader of the "prerogative" party, had strongly opposed the stamp duties in the letter which they, as members of the committee of correspondence, had sent to the agent. Their opposition to the resolutions, therefore, was rather disapproval of the methods and language used by Henry than of the principles for which he fought.

The next paper in the records of the committee is a letter from Montague, dated November 9, 1769, which is followed by four letters, dated January 10, 15 and 18, and February 6, 1770, all of which show that the agent was keeping in close touch with the colonial situation and that he was communicating to the committee intelligence of the proceedings of Parliament and the Administration.<sup>85</sup> In his letter of

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<sup>83</sup> Bancroft, vol. v, pp. 271, 180.

<sup>84</sup> Bancroft, vol. v, pp. 272, 293, 271, 294; Henry, Patrick Henry, vol. i, p. 66; W. Gordon, *The Independence of the United States*, vol. i, pp. 117, 119, 120; T. F. Gordon, *History of Pennsylvania*, p. 433; *Documents relative to the Colonial History of New York*, vol. vii, p. 710.

<sup>85</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. xii, pp. 157-165.

February 6 he notified the committee of the petition of the merchants of Bristol and London for a repeal of the act imposing duties on paper, glass, painters' colors, and tea. The remaining letters from Montague are dated February 8, March 3, and March 6, 1770, and contain further information concerning the duties on tea.<sup>86</sup>

There seems to be only one other letter from the committee of correspondence to the agent, and this referred to a congress of the Cherokee Indians, the proceedings of which Governor Botetourt had laid before the House of Burgesses. Reasons were given for a memorial which the Burgesses had presented to the governor, and which had been objected to by John Stuart, the superintendent of Indian affairs.<sup>87</sup>

The act for appointing an agent and a committee of correspondence composed of members from both houses was passed in 1759 to continue for a term of seven years, and was continued and reenacted in April, 1766, for a term of five years from its expiration or until April, 1771. In 1772, in the spring session of the Assembly, the bill for appointing an agent, after having been twice read in the House of Burgesses, was turned over to the committee of the whole house. On being reported back to the House without any amendment, it was rejected.<sup>88</sup> No reasons appear for this action either in the journals of the House of Burgesses or in any other material that has been examined in the preparation of this study; and any reason that may seem to explain the refusal of the House of Burgesses to pass this measure must of necessity be in the nature of conjecture. However, it is well known that the leadership of the House of Burgesses had passed into the hands of younger and more radical men, who in 1773, at the next session of the Assembly, would create a committee of correspondence entirely under the control of the Lower House.

During the years between 1765 and 1772 many changes

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<sup>86</sup> Proceedings of the Committee of Correspondence, in *Virginia Magazine of History*, vol. xii, pp. 165-169.

<sup>87</sup> *Ibid.*, pp. 357-364.

<sup>88</sup> Journals of the House of Burgesses, 1770-1772, pp. 209-219.

had taken place in the colony. Fauquier had been succeeded by Botetourt, who had in turn been replaced by Dunmore. Much of the unpleasantness of the bitter controversies between the Virginia Assemblies and the British Administration had been softened or removed by the personal popularity and the tactfulness of the two first named; but Dunmore, from the early days of his administration, seems to have constantly irritated the Assembly in almost every possible way. Indeed, it is hardly stating the case too strongly to say that he was as tactless in stirring up strife and friction between that body and himself as Fauquier and Botetourt had been careful in avoiding difficulties and in handling problems of strained relationship between themselves and the same body. At a time when the representatives of the House of Burgesses should have been met with conciliatory proposals England had sent them a governor who was arbitrary, stubborn, and tactless.

The change of governors was not the only difference in the Virginia situation; great movements had taken place in the colony itself, and these changes had been reflected in the members of the House of Burgesses. Younger and more progressive leaders had wrested control from the hands of the older and more conservative members, who had for so many years directed the affairs and shaped the policies of the legislature; and even the conservatives in many instances had become more liberal with the realization that England had determined to carry through her policy of colonial taxation at any cost. The bitter fight over the Stamp Act resolutions, resulting in the victory of Henry, aided by the young "up-country" element, had been a heavy blow to the older and more conservative members of the House of Burgesses, whose strength was drawn from the "Tidewater aristocracy," the wealthy landed proprietors and large slaveholding class in the colony. Jefferson, who in 1769 had become a member of the House of Burgesses, said of the fight for the resolutions against the Stamp Act: "By these resolutions and his manner of supporting them, Mr. Henry



took the lead out of the hands of those who had heretofore guided the proceedings of the House; that is to say, of Pendleton, Wythe, Bland, and Randolph.”<sup>89</sup>

This, however, was not the only defeat suffered by the old leaders in the later years of the sixties. In May, 1765, a loan scheme, supported by the political adherents of the speaker, John Robinson, treasurer of the colony, and thought by some to have been designed to cover up unauthorized loans<sup>90</sup> made by Robinson from the public funds, was passed by the House over the opposition of Henry, who opposed the measure on general principles, although it does not seem to have been publicly known that there was any shortage in Robinson's accounts. This scheme was disallowed by the Council at a conference with the committee sent up from the House.<sup>91</sup> This was followed on Friday, November 7, 1766, by the appointment in the House of Burgesses of a committee to examine into the state of the treasury. Before this committee had reported, a resolution was introduced in the House asking that the offices of speaker and treasurer be separated; and this proposal was carried by a vote of 68 to 29.<sup>92</sup> Robinson had died on May 11, 1766, and the report of the irregularities in his accounts made by the committee on December 12, 1766, is substantiated by the memorial of the administrators of his estate, laid before the House on the same day.<sup>93</sup> When the bill for dividing the offices of speaker and treasurer came up before the House, it was the occasion of a warm discussion between the friends of the speaker, led by Edmund Pendleton, who stoutly opposed the measure, and the forces favoring the bill, who were led by Patrick Henry and Richard Henry Lee. The bill passed, and the result of the contest was to bind Lee and Henry together in the closest friendship; but the animosities engendered by the struggle “lasted for years, and were shown in the conduct of the defeated

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<sup>89</sup> Henry, Patrick Henry, vol. i, pp. 86-87.

<sup>90</sup> Journals of the House of Burgesses, 1761-1765, p. 350.

<sup>91</sup> Ibid., p. 356.

<sup>92</sup> Ibid., 1766-1769, pp. 14, 24.

<sup>93</sup> Ibid., pp. 65, 66, 67.

party toward Lee and Henry on more than one occasion."<sup>94</sup> A salary was provided for the office of speaker as a result of the passage of this bill, and this fact rendered the new speaker more the servant of the House. The treatment received by Henry about half a decade later at the hands of the committee of safety seems to have been the aftermath of these legislative battles with Pendleton.

A short period of quiet followed the repeal of the Stamp Act. During the year 1767 there was one meeting of the Assembly, and in this session there appears little of a revolutionary nature. On March 24 Mr. Bland laid before the House of Burgesses a letter and some papers received from the agent since the adjournment of the last meeting of the Assembly. These papers were referred to the committee appointed to examine into the state of the colony. On April 7 the House resolved itself into a committee of the whole, and it was ordered that an address to the king be prepared asking his assent to a scheme for issuing a supply of paper money sufficient to meet the need of the colony of a circulating medium. A committee was appointed to draw up this address and to prepare a scheme for emitting paper currency. The address and the scheme were reported back to the House on April 11 and were passed by that body. It was ordered that the address be transcribed and transmitted to the agent for presentation to the king. A copy of the currency scheme was also included, and Montague was requested to make inquiry whether a sum of money could be borrowed on the plan.<sup>95</sup>

In the session of the Assembly for 1768 we find that at the first day's meeting it was ordered that the committee of correspondence lay before the House the letters from the agent and the proceedings of the committee since the last session of the Assembly. This order was complied with at the next day's sitting.<sup>96</sup> During this session a letter was

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<sup>94</sup> Henry, Patrick Henry, vol. i, p. 111.

<sup>95</sup> Journals of the House of Burgesses, 1766-1769, pp. 93, 125, 127, 128, 129.

<sup>96</sup> *Ibid.*, pp. 143, 144.

laid before the House that had been received from the speaker of the Massachusetts House of Representatives. This letter was dated February 11, and copies had been sent to the speakers of each colonial house of representatives asking them to concur with the Massachusetts representatives in their application for redress.<sup>97</sup> Petitions had also been received from the freeholders of the counties of Westmoreland, Chesterfield, Henrico, Dinwiddie, Amelia, and Prince William<sup>98</sup> asking that the House of Burgesses take the grievances of the colonies under consideration, and praying for a petition to the king for a repeal of the oppressive acts of Parliament. All of these matters were referred to the committee of the whole house, with the result that a petition to the king and a memorial and remonstrance to each of the Houses of Parliament were adopted by the House of Burgesses and concurred in by the Council. It was ordered that Montague should act in conjunction with

<sup>97</sup> Journals of the House of Burgesses, 1766-1769, pp. 143, 145.

<sup>98</sup> *Ibid.*, pp. 145, 146, 148. The text of the Prince William representation, which is fairly typical of the other petitions, is given in the Journals in substance by the clerk of the House, and is as follows: "A Representation of the Freeholders of Prince William County, whose names are thereunto subscribed, was presented to the House, and read setting forth, that it is with the greatest Concern they find the same unconstitutional Measures now pursued by the British Parliament, as gave rise to the late abhorred and detestable Stamp Act, which would have shackled the North Americans with Slavery, had they submitted to the Execution thereof: That Notwithstanding it is the undoubted Right of every Subject of Britain to be taxed only by Consent of Representatives chosen by themselves, which hath been ratified and confirmed to them during the Reigns of nine successive Princes; yet contrary to Magna Charta, and the Charters granted to the several Colonies in America, the Parliament hath again assumed to themselves the Right of laying Taxes and Impositions on the People of America by the several Acts for imposing certain Duties on British Commodities, for the purpose of raising a Revenue here the Billeting Act and the Act for depriving the New York Assembly of a Legislative Power, until they have complied with the Impositions of the Billeting Act; so that they have not only taken from the said Subscribers their Money without their Consents, but deprive them of their Liberty and Constitutional Rights as Freemen, which Freedom and Privileges they have hitherto equally enjoyed with their Fellow-Subjects in Britain: And therefore intreating the House to assert their Rights with decent Freedom; and to supplicate their most Gracious Sovereign to have their Grievances redressed by the Repeal of the said several late oppressive Acts."



Abercrombie, the agent for the governor and the Council, in obtaining the ends desired. It was also resolved that the speaker should deliver copies of the same to President Blair of the Council, who since the death of Fauquier had been ex-officio governor, and desire him to transmit the same to the principal secretary of state appointed to manage the affairs of North America.<sup>99</sup>

In regard to the letter from the Massachusetts House of Representatives it was resolved unanimously

That Mr *Speaker* be directed to write to the Speaker of the honorable House of Representatives of the Province of the *Massachusetts* Bay to desire he would inform that House that his Letter of *February* 11th, 1768 written by their Direction and in their Name had been considered by this House that we could not but applaud them for their Attention to *American* Liberty and that the Steps we had taken thereon would convince them of our Opinion of the fatal Tendency of the Acts of Parliament complained of and of our fixed Resolution to concur with the other Colonies in their Application for Redress.

The speaker was also directed to write to "the respective Speakers of the Assemblies and Representatives on this Continent to make known to them our [the Burgesses'] Proceedings on this Subject and to intimate how necessary we think it is that the Colonies should unite in a firm but decent Opposition to every Measure which may affect the Rights and Liberties of the *British* Colonies in *America*."<sup>100</sup>

Here was a case where the letter was written directly to the speaker of the House of Burgesses; and as the Assembly was in session and considered the matter therein treated, there was no reason for its answer to be referred to the committee of correspondence. It was in the recess between the meetings of the Assembly that a committee for communication was most needed, and we have seen that its proceedings were regularly laid before the Assembly at each session. When the period between the sessions of the Assembly was long, the work of the committee was of necessity such that its members had to act more on their own initiative and re-

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<sup>99</sup> Journals of the House of Burgesses, 1766-1769, pp. 157, 161, 163, 165-171, 173, 174.

<sup>100</sup> Ibid., p. 174.

sponsibility. When the sessions of the Assembly were close together the committee was guided largely by instructions given it by that body.

The first session of the Assembly for the year 1769 opened with the promise of being a peaceful meeting. Both Governor Botetourt's address at the opening of the session and the reply from the House of Burgesses seemed to indicate a harmonious period of legislative work; but this state of affairs did not continue very long, and ten days after its meeting the governor prorogued the Assembly. On the first day of the session the speaker notified the House "that according to the Direction of the House last Session of the General Assembly, he had written to the respective Speakers of the Assemblies and Representatives on this Continent, upon the Subject of sundry Acts of the *British* Parliament, and had received several Letters in Answer thereto;" and it was ordered that these letters should be laid on the clerk's table, where they could be read by the members of the House. It was further ordered that the letters "which had passed between the Committee of Correspondence, and the Agent for this Colony, for the last Five Years, and the Papers they refer to, be laid before the House."<sup>101</sup>

These letters were considered by the committee of the whole house; its report to the House of Burgesses contained the following resolutions, which were unanimously adopted:

Resolved, That it is the Opinion of this Committee, that the sole Right of imposing Taxes on the Inhabitants of this his Majesty's Colony and Dominion of Virginia, is now, and ever hath been, legally and constitutionally vested in the House of Burgesses, lawfully convened according to the ancient and established Practice, with the Consent of the Council, and of his Majesty, the King of *Great-Britain*, or his Governor, for the Time being.

Resolved, That it is the Opinion of this Committee, that it is the undoubted Privilege of the Inhabitants of this Colony, to petition their Sovereign for Redress of Grievances; and that it is lawful and expedient to procure the Concurrence of his Majesty's other Colonies, in dutiful Addresses, praying the royal Interposition in Favour of the Violated Rights of *America*.

Resolved, That it is the opinion of this Committee, that all Trials

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<sup>101</sup> Journals of the House of Burgesses, 1766-1769, pp. 189, 190, 209.

for Treason, Misprison of Treason, or for any Felony or Crime whatsoever, committed and done in this Majesty's said Colony and Dominion, by any Person or Persons residing therein, ought of Right to be had, and conducted in and before his Majesty's Courts, held within the said Colony, according to the fixed and known Course of Proceeding; and that the seizing any Person or Persons residing in this Colony, suspected of any Crime whatsoever, committed therein, and sending such Person, or Persons, to Places beyond the Sea, to be tried, is highly derogatory to the Rights of *British* Subjects; as thereby the inestimable Privilege of being tried by a jury from the Vicinage, as well as the Liberty of summoning and producing Witnesses on such Trial will be taken away from the Party accused.

Resolved, That it is the Opinion of this Committee, that an humble, dutiful, and loyal Address, be presented to his Majesty, to assure him of our inviolable Attachment to his sacred Person and Government; and to beseech his royal Interposition, as the Father of all his people, however remote from the Seat of his Empire, to quiet the Minds of his Subjects of this Colony, and to avert from them, those Dangers and Miseries which will ensue, from the seizing and carrying beyond Sea, any Persons residing in *America*, suspected of any Crime whatsoever, to be tried in any other Manner, than by the ancient and long established Course of Proceeding.

It was ordered that the speaker should, without delay, transmit to the speaker of each of the several houses of Assembly a copy of these resolutions, and that he should request their concurrence in the same. A committee was also appointed to draw up the address to the king agreed on in the fourth resolution.<sup>102</sup>

On the next day, May 17, it was ordered by the House of Burgesses that the resolutions of the Lords Spiritual and Temporal, in Parliament assembled, and also the address of the Lords Spiritual and Temporal and Commons, in Parliament assembled, to His Majesty, transmitted to the committee of correspondence by the agent in his letters of December 16, 1768, and February 18, 1769, should be printed in the Virginia Gazette; and it was further ordered that the four resolutions of the committee of the whole house, subsequently adopted by the House of Burgesses, should be published in the same paper. It was also voted that the address to the king, which had been reported by the committee appointed to prepare it and had been adopted without a dissenting vote by the House, should be sent to

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<sup>102</sup> Journals of the House of Burgesses, 1766-1769, pp. 214-215.



the agent for the colony, "with Directions to cause the same to be presented to his Most Excellent Majesty; and afterwards to be printed and published in the *English Papers*." On this same day the governor, having heard of the resolutions of the Burgesses, immediately dissolved the Assembly.<sup>103</sup>

Directly after this dissolution the members of the House of Burgesses, "judging it necessary" that some action should be taken to relieve their "distressed Situation, and for preserving the true and essential Interests of the Colony," resolved upon a meeting, and they repaired at once to the house of Anthony Hay. Peyton Randolph was appointed moderator, by a unanimous vote of the members present, and it was decided that "a regular Association should be formed." A committee was appointed "to prepare the necessary and most proper Regulations for that Purpose," after which the meeting adjourned until the following day. At this meeting the committee reported an association by the terms of which the subscribers to the agreement promised to abstain from the use of those articles of trade imported from Europe, specified therein, upon which the British Parliament had laid a tax. This agreement was unanimously adopted, and was signed by the eighty-eight burgesses present, by the clerk to the association, and by nineteen other citizens, who signed in accordance with the invitation in the preamble.<sup>104</sup> This action of the Virginia Assembly was followed by several of the other colonies, whose assemblies approved the Virginia resolutions of May 16, and in some cases adopted them verbatim.<sup>105</sup>

The session of the Assembly for November and December, 1769, was a peaceful one. In his opening address the governor notified the Assembly that he had received assurances from the Earl of Hillsborough "that his Majesty's present Administration have at no Time entertained a De-

<sup>103</sup> Journals of the House of Burgesses, 1766-1769, pp. 215, 216, 218.

<sup>104</sup> Minutes of the Association of 1769, printed copy in the Virginia State Library. Reprinted in Introduction to Journal of the House of Burgesses, 1766-1769, pp. xxxix-xliii.

<sup>105</sup> Henry, Patrick Henry, vol. i, p. 142.

sign to propose to Parliament to lay any further Taxes upon America for the purpose of raising a Revenue, and that it is their intention to propose in the next Session of Parliament, to take off the Duties upon Glass, Paper, and Colours, upon Consideration of such Duties having been laid contrary to the true Principles of Commerce."<sup>106</sup> This assurance that the objectionable duties would be removed, together with the fact that much legislation was needed to replace what had expired or had been neglected during the period of excitement following the Stamp Act, tended to make the session a quiet but busy one.

On Friday, November 10, the speaker reported that he had transmitted to the speakers of the several assemblies of the American colonies copies of the resolutions agreed to by the House, requesting their concurrence therein; and that he had received letters on that subject from the speakers of several of the said assemblies. He had also transmitted to the agent the address to the king, with proper directions, and had received the reply of that official. These letters were laid on the table, together with the letters that had passed between the committee of correspondence and the agent since the seventeenth day of the last May, so that they might be read by the members.<sup>107</sup>

In the session of the Assembly for 1770 there was little of a revolutionary tendency. Governor Botetourt seems to have been on good terms with the members of the House of Burgesses and to have won their friendship and respect. On June 30, 1770, he wrote to the secretary of state as follows regarding the session of the Assembly which had just closed:

Upon Thursday the 28th of June I prorogued the Assembly of this Dominion to Thursday the 25th of October next after having passed 46 Bills and rejected one on account of money's being to be issued by that Act without my warrant, am convinced that the omission happened by mistake, but for fear of the precedent I refusing passing the Bill and told my reasons- The House of Burgesses have directed that their Agent do lay before his Maj'ty an humble

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<sup>106</sup> Journals of the House of Burgesses, 1766-1769, pp. 226, 227.

<sup>107</sup> Ibid., p. 240.

petition, in which they pray for a total repeal of the Act which granted certain duties for the purpose of raising a Revenue, and beg to be relieved from hardships to which they apprehend themselves improperly liable from his Maj'ty's Courts of Vice-Admiralty- Many of them have likewise signed the inclosed association: If I am rightly informed we are chiefly indebted for both these measures to the Patriots of England, the Merchants and Factors residing in this Country having been pressed by letters from home to promote distress to their Mother Country by all possible means.<sup>108</sup>

In this letter he enclosed to the home government a copy of the association entered into by the gentlemen of the House of Burgesses and the body of merchants assembled in Williamsburg, June 22, 1770. This association was signed by one hundred and sixty persons, and numerous copies were circulated throughout the colony,<sup>109</sup> receiving the signatures of many subscribers. One feature of the association that was afterwards used with great success by the county committees of 1774 and 1775 was the creation of a committee in each county whose duty it should be to look out for violations of the aims of the association and to publish the names of all offenders, with an account of their conduct. However, the plan outlined by the associators does not seem at this time to have worked in a satisfactory manner,<sup>110</sup> though it was later used with marked success. William Nelson, who upon Botetourt's death became acting governor, credits its failure to the defection of the northern provinces.

During this session of the General Assembly the usual inspection of the proceedings and letters of the committee of correspondence is shown by the fact that on May 23 these papers were laid before the House. On June 27 the petition to the king voted by the House of Burgesses, asking the repeal of the colonial revenue acts, was delivered to the committee for transmission to the agent with instructions that "after it shall be presented, or offer to be presented,

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<sup>108</sup> Letter from Botetourt to the Secretary of State, in Bancroft Transcripts, Library of Congress.

<sup>109</sup> Copy of the Association, in Manuscript Division, Library of Congress.

<sup>110</sup> Letter from Acting-Governor Nelson to Lord Hillsborough, December 19, 1770, in Bancroft Transcripts, Library of Congress.



that he procure it to be printed and published in the *English Papers*."<sup>111</sup>

The short session of July, 1771, following the death of Governor Botetourt, was convened by William Nelson, president of the Council, who pending the appointment of a successor to Governor Botetourt was ex-officio governor. In the journal of this session there is no allusion to the committee of correspondence. A recent flood, the worst recorded in the history of the colony, had occasioned great loss to the people of Virginia. Especially had the owners of tobacco which was stored in the public warehouses, built for convenience of transportation at landings on the great rivers, lost heavily; and most of the session was taken up with the passing of relief legislation.<sup>112</sup>

During this session there was much agitation of the question of establishing an American Episcopate. In some of the northern colonies this measure was warmly advocated by the press; and the effort of New York and New Jersey to petition the king in favor of the project caused Dr. Cooper and Dr. McKean to visit the southern colonies to seek their cooperation. Although this visit resulted in a convocation of the Virginia clergy, only a few attended. Reverend John Camm, who had been such a vigorous opponent of the Two Penny Act, took a prominent part in its proceedings, and was one of those who joined in the petition to the Crown. Four of the clergy present at this meeting, however, entered a protest against the scheme of introducing a bishopric, arguing that such action would endanger the existence of the British Empire in America; and Messrs. Henley, Gwatkin, Hewitt, and Bland, the authors of this protest, received a unanimous vote of thanks from the House of Burgesses.<sup>113</sup>

Dunmore, soon after to become the governor of Virginia, issued a proclamation on October 12, 1771, dissolving the

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<sup>111</sup> Journals of the House of Burgesses, 1770-1772, p. 102.

<sup>112</sup> Ibid., pp. 119-136.

<sup>113</sup> Ibid., pp. xxxi-xxxii (Introduction), p. 122; Campbell, pp. 561-562; Letter from Richard Bland, in *Virginia Magazine of History and Biography*, vol. vi, pp. 127-134.

Assembly, which had been prorogued at the close of the last session to meet again on the fourth Thursday of October. This dissolution had no effect save to elicit indisputable proof that the House of Burgesses had reflected the sentiments of the people; for there was practically no change in the personnel of the members elected to the new Assembly, the roster showing only four changes in the entire body of members. After the election of the new House of Burgesses, Dunmore, by five proclamations, postponed their meeting to February 10, 1772.<sup>114</sup>

At the session of February–April, 1772, as has been already pointed out, a bill was introduced to reenact the law appointing the agent and the committee of correspondence. This bill was defeated at its second reading, after having been considered for several days, recommitted to the committee of the whole house, and reported back by them without amendment. During the period in which this bill was considered the correspondence and proceedings of the committee from the time of its appointment in 1759 was laid before the House for consideration. No evidence appears in the journals to show why the bill was rejected; and as the debates on measures were not recorded, it is impossible to give with any degree of certainty the reasons why the committee was not reappointed. It is only in the light of after events that an inference may be drawn, which appears to be at least reasonable. It is certain that the opposition to the measure developed during its second reading, for it was at that time that it was sent back to the committee of the whole. It does not seem unlikely that the attempt was made to appoint a committee of correspondence which should be under the entire control of the House of Burgesses, and that this attempt was defeated in the committee and the bill was voted down by the whole house. This explanation seems all the more plausible in the light of the fact that in its next session the House of Burgesses

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<sup>114</sup> Journals of the House of Burgesses, 1770–1772, pp. 144–153.

appointed just such a committee of correspondence. It is easy to understand why the House of Burgesses should prefer a committee entirely under its own control, for Dunmore had become governor, and the Council would be, of necessity, in his power. The House of Burgesses had already learned that little more than irritating interference could be expected from a governor of Dunmore's type.



## CHAPTER IV

### THE COMMITTEE OF CORRESPONDENCE AND THE FIRST CONTINENTAL CONGRESS

The situation at the opening of the year 1772 had been hopeful for those who looked for conciliation and an easing of strained relations between the mother-country and her colonies. The claim of Parliament of the right of taxation had not been very strictly enforced; and the colonies had fought the existing revenue act by a refusal to buy the taxed articles. The question of taxation ceased to be agitated to any very great extent, and the kindly relations between England and America would probably have been renewed "had not the Administration kept up a series of most irritating measures." The Assembly of Massachusetts was not allowed to meet at Boston, the place of meeting being changed to Cambridge. The assemblies that refused to obey the orders of the administration, however unusual or oppressive these orders might be, were promptly dissolved. Arbitrary and even dishonest men were appointed to positions of power in the provinces, and were paid out of the English treasury to render them independent. In Georgia the speaker elected by the Assembly was rejected by the governor, and in all of the colonies royal instructions were put above law and precedents of colonial government. This was against the spirit of the British constitution as construed by the Court of King's Bench, presided over by Lord Mansfield, which had held that where there was a colonial assembly the king's prerogative did not extend to the making or altering of laws.<sup>1</sup>

When Dunmore prorogued the Assembly in April, 1772,

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<sup>1</sup> Henry, Patrick Henry, vol. i, pp. 154, 155; Cowper's Reports, 204, Campbell v. Hall.

he had stated that it would be reassembled on June 25, following; but it was not until March 4, 1773, that the House of Burgesses was called together, after several prorogations. On March 12 the House resolved itself into a committee of the whole upon the state of the colony; and in this committee Dabney Carr, a representative from Louisa County, moved the following resolutions, which were reported favorably by the committee and were unanimously adopted by the House of Burgesses:

Whereas the minds of his Majesty's faithful Subjects in this Colony have been much disturbed by various Rumours and Reports of proceedings tending to deprive them of their ancient, legal and constitutional Rights.

And whereas, the affairs of this Colony are frequently connected with those of Great Britain, as well as of the neighboring Colonies, which renders a Communication of Sentiments necessary; in Order therefore to remove the Uneasiness, and to quiet the minds of the People, as well as for other good purposes above mentioned.

Be it resolved, that a standing Committee of Correspondence and inquiry be appointed to consist of eleven Persons, to wit, the Honourable Peyton Randolph, Esquire, Robert Carter Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary, and Thomas Jefferson, Esquires, any six of whom to be a Committee, whose business it shall be to obtain the most early and Authentic intelligence of all such Acts and Resolutions of the British Parliament, or proceedings of Administration, as may relate to or affect the British Colonies in America, and to keep up and maintain a Correspondence and Communication with our Sister Colonies, respecting these important Considerations; and the result of such their proceedings, from Time to Time, to lay before this House.

Resolved, that it be an instruction to the said Committee, that they do, without delay, inform themselves particularly of the principles and Authority, on which was constituted a Court of inquiry, said to have been lately held in Rhode Island, with Powers to transmit Persons, accused of Offences committed in America, to places beyond the Seas, to be tried.<sup>2</sup>

After these resolutions had been favorably voted upon, it was resolved that the speaker should transmit copies to the speakers of the various houses of assembly in America, with the request that the resolutions be laid before their respective houses and that they appoint from their number similar committees to communicate, from time to time, with the Virginia committee.

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<sup>2</sup> Journals of the House of Burgesses, 1773-1776, p. 28.

This is all that the Journal of the House of Burgesses shows us concerning the appointment of the new committee of correspondence; we must therefore turn elsewhere for information regarding the motives that lay behind its creation. Fortunately, Jefferson, who was one of the committee, has left us an account of the steps that led up to its formation.

Not thinking our old & leading members up to the point of forwardness & zeal which the times required, Mr. Henry, R. H. Lee, Francis L. Lee, Mr. Carr & myself agreed to meet in the evening in a private room of the Raleigh to consult on the state of things. There may have been a member or two more whom I do not recollect. We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies to consider the British claims as a common cause to all, & to produce an unity of action: and for this purpose that a comm[itt]ee of correspond[en]ce in each colony would be the best instrument for intercommunication: and that their first measure would probably be to propose a meeting of deputies from every colony at some central place, who should be charged with the direction of the measures which should be taken by all. We therefore drew up the resolutions. . . . The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr, my friend & brother in law, then a new member to whom I wished an opportunity should be given of making known to the house his great worth & talents. It was so agreed; he moved them, they were agreed to nem. con. and a comm[itt]ee of correspondence appointed of whom Peyton Randolph, the Speaker, was chairman.<sup>3</sup>

The importance of this committee and the results that it might accomplish in welding the colonies together seem to have been clearly recognized by these representatives who made it possible. Indeed, the promptness with which the suggestion of the House of Burgesses was followed by the other colonial assemblies shows that they too were cognizant of the need of just such a means of intercolonial communication. Dunmore seems to have been about the only person who did not see the true meaning of this move. On March 31, just after he had prorogued the Assembly, he wrote a letter to Lord Dartmouth, in which he gave an account of the session just closed, and said of the resolutions appointing this committee of correspondence: "Your Lordp will observe, there are some resolves wch show a little ill

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<sup>3</sup> P. L. Ford, *The Writings of Thomas Jefferson*, vol. i, pp. 7-8.



humour in the House of Burgesses, but I thought them so insignificant that I took no matter of notice of them.”<sup>4</sup>

Only one meeting of the newly created committee was held in this short session; for the Assembly was prorogued on the twelfth day of its sitting, on account of an address<sup>5</sup> to the governor from the House of Burgesses protesting against the irregular procedure used by him in the trial of persons in Pittsylvania County suspected of forging the paper currency.<sup>6</sup> This meeting was held on March 13, the day after the creation of the committee, and the minutes show that nine of the eleven members were present, Henry and Pendleton being absent. John Tazewell was appointed clerk to the committee, and was ordered to keep “a fair Record of the Proceedings thereof from Time to Time.” Peyton Randolph, Robert Carter Nicholas, and Dudley Digges, all three of whom had served on the committee of correspondence created in 1759, were appointed a select corresponding committee, and were directed to request the speakers of the assemblies of the colonies of Rhode Island, Massachusetts, Connecticut, and New York to furnish the committee of correspondence with a full account of the court of inquiry said to have been lately held in Rhode Island, together with an authentic copy of their commission and proceedings.<sup>7</sup>

The select committee was also instructed to procure copies of an act of Parliament, entitled “An Act for the better preserving his Majesty’s Dock-Yards, Magazines, Ships, Ammunition and Stores,”<sup>8</sup> of all the other acts of Parliament which “now are or hereafter may be passed” relating to the affairs of the British colonies in America, and of the Journals of the House of Commons from the session of 1765–

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<sup>4</sup> Letter from Dunmore to Lord Dartmouth, Bancroft Transcripts, 1752–1773, Library of Congress.

<sup>5</sup> Journals of the House of Burgesses, 1773–1776, pp. 22, 33.

<sup>6</sup> Ibid., pp. 22, 33, and Introduction, pp. viii–xi.

<sup>7</sup> This was the special court appointed to investigate the burning of the Gaspee. See letter from R. H. Lee to John Dickinson, April 4, 1773, in J. C. Ballagh, *The Letters of Richard Henry Lee*, vol. i, pp. 83–84.

<sup>8</sup> *Statutes at Large of England and Great Britain*, vol. vii, p. 156.

1766 to the last session held. It was ordered to transmit immediately to the speakers of the other assemblies copies of the "Act for making it Felony to forge the Paper Currency of the other Colonies,"<sup>9</sup> and to ask their cooperation in such legislation. The select corresponding committee was authorized and empowered to call meetings of the committee of correspondence "whenever any Emergency" might require immediate action.<sup>10</sup>

On April 6, 1773, there was a meeting in Williamsburg of the select committee of correspondence. A letter to Mr. John Norton, a merchant of London, was prepared asking him to become the confidential correspondent of the committee. Mr. Norton was requested to secure copies of the acts of Parliament and of the journals of the House of Commons. Letters were also written to the speakers of the assemblies of Massachusetts, Rhode Island, Connecticut, and New York requesting an account of the proceedings in the Gaspee affair. A copy of the new Virginia act of Assembly against counterfeiting the paper currency of other colonies was enclosed. Letters enclosing the above act were also sent to the speakers of the assemblies of South Carolina, Delaware, New Jersey, and New Hampshire, and these colonies were asked to cooperate with Virginia by the passage of reciprocal legislation in regard to the paper currency.<sup>11</sup>

In the appointment of John Norton as English correspondent there is to be noticed a striking similarity in the operations of this committee to the work of the older committee of correspondence. The older act had created both the agent and the committee, while the latter had been given the power to select its own agent. In the case of both committees the correspondence was conducted in the same manner; but the second committee of correspondence, although granted a wider discretionary power than its earlier proto-

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<sup>9</sup> Hening, vol. viii, p. 651.

<sup>10</sup> Minutes of the Committee of Correspondence, in Journals of the House of Burgesses, 1773-1776, p. 41.

<sup>11</sup> Ibid., pp. 41-43.

type, was clearly under the control of the House of Burgesses, to which its correspondence had to be submitted.

The records of the Virginia committee are nearly complete, being preserved in the Committee of Correspondence Papers in the Virginia Archives; and although a few of the letters are missing, these have been supplied from the records of the other colonies which were parties to the correspondence. These letters and proceedings have been printed in the Journals of the House of Burgesses following the sessions of the year to which the correspondence belongs.

The letters received by the committee during the year 1773 show that nine other colonies adopted the suggestion of the Virginia House of Burgesses. The first colony to act on the Virginia resolutions was Rhode Island, whose House of Deputies, on May 7, appointed a standing committee of correspondence, consisting of Stephen Hopkins, Metcalf Bowler, Moses Brown, John Cole, William Bradford, Henry Ward, and Henry Merchant.<sup>12</sup> The Virginia Assembly was notified of their appointment in a letter from Metcalf Bowler, the speaker of the Rhode Island House of Deputies, written May 15, a little more than a week after the appointment of the committee.<sup>13</sup> The resolution appointing the committee closely follows in form that of the House of Burgesses. The House of Deputies, says the letter of the speaker, being thoroughly convinced that a firm union of the colonies was absolutely necessary for the preservation of their ancient, legal, and constitutional rights, and that the measures proposed by the House of Burgesses would greatly promote so desirable an end, had unanimously voted the appointment of a committee of correspondence. Information on the Gaspee affair was sent not only to Virginia but to the other colonies as well.

The Connecticut House of Representatives appointed their committee of correspondence on May 21, consisting of

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<sup>12</sup> Minutes of the Committee of Correspondence, in Journals of the House of Burgesses, 1773-1776, pp. 48-49; Colonial Records of the Colony of Rhode Island, vol. vii, pp. 227-228.

<sup>13</sup> Letter from Metcalf Bowler to Peyton Randolph.



the following members: Ebenezer Silliman, William Williams, Benjamin Payne, Samuel Holden Parsons, Nathaniel Wayles, Silas Deane, Samuel Bishop, Joseph Trumbull, and Erastus Wolcott. Both the fact that the committee was appointed after a consideration of the letter and of the resolutions of the Virginia House of Burgesses and the language of the resolutions clearly indicate the origin of the idea. The letter from the Connecticut speaker to the speaker of the Virginia House states that the suggestion of Virginia was readily adopted by the Connecticut legislature.<sup>14</sup>

On May 27 the House of Representatives of New Hampshire, acting on the resolutions and the letter, which had been communicated to them by the Virginia speaker and committee, resolved to appoint a committee of correspondence, consisting of John Wentworth, John Sherburne, William Parker, John Giddings, Jacob Sheafe, Christopher Tappan, and John Pickering. Of this action Peyton Randolph was notified by a letter from John Wentworth, dated May 27.<sup>15</sup>

On May 28 the House of Representatives of Massachusetts, in a set of resolutions which closely follow those of Virginia in form and content, appointed the following committee of correspondence: Thomas Cushing, John Hancock, William Phillips, William Heath, Joseph Hawley, James Warren, Richard Derby, Jr., Elbridge Gerry, Jerethmeel Bowers, Jedediah Foster, Daniel Leonard, Thomas Gardner, Jonathan Greenleaf, and James Prescott. Both in the resolutions appointing this committee of correspondence and in Cushing's letter of June 3 to the Virginia speaker there is ample evidence that it was to the suggestion and example of Virginia, and not to the local Massachusetts committees of correspondence, that the appointment of the intercolonial committees was due.<sup>16</sup>

The action of South Carolina, however, shows that the striking similarity between the intercolonial committee of

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<sup>14</sup> Journals of the House of Burgesses, 1773-1776, pp. 52, 53.

<sup>15</sup> Ibid., pp. 49, 50.

<sup>16</sup> Ibid., pp. 50, 51.

correspondence and the committee of communication with the agent was clearly recognized by the assembly of that colony. Instead of appointing a new committee, the resolutions provided "that Mr. Speaker and any eight of the other Members of the Standing Committee of Correspondence, be a Committee to enquire for and obtain Intelligence upon the several Matters mentioned in the said resolutions, and to correspond with the Committee, appointed by the said House of Burgesses, and Committees appointed or to be appointed in our Sister Colonies respecting the same." South Carolina, the first of the southern colonies to act on the Virginia resolutions, provided for the use of this committee for intercolonial correspondence on July 6, the second day of the first session after the receipt of the proposal.

On September 10 the Commons House of Assembly of Georgia appointed the speaker and any five of its committee of correspondence to be a committee for intercolonial communication. Except for the difference in the size of the committee appointed, the action taken in Georgia was identical with that in South Carolina.<sup>17</sup>

The committee of correspondence of Maryland was appointed on October 15. The resolutions and letter of the Virginia House of Burgesses had been considered by the Lower House of the Maryland Assembly in its June session; but before resolutions could be initiated, the Assembly was unexpectedly prorogued. There was no chance of appointing the committee until another meeting of the Assembly, which was not held until October. Soon after this session opened the following committee of correspondence was chosen: Matthew Tilghman, John Hall, Thomas Johnson, William Paca, Samuel Chase, Edward Boyd, Matthias Hammond, Josias Beale, James Boyd Chamberlaine, Brice Thomas, Beale Worthington, and Joseph Sim.<sup>18</sup>

Only one of the middle colonies appointed a committee of

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<sup>17</sup> Journals of the House of Burgesses, 1773-1776, pp. 60, 61; Smith, pp. 402-404; Commons House of Assembly Journals, vol. xxxix, part ii, pp. 25-27.

<sup>18</sup> Journals of the House of Burgesses, 1773-1776, pp. 62-63.

correspondence in 1773. The House of Representatives of Delaware named on October 23 from its own members the following committee of correspondence: Caesar Rodney, George Read, Thomas McKean, John McKinley, and Thomas Robinson. In form and diction the Delaware resolutions follow closely those of Virginia.<sup>19</sup>

One other colonial legislature appointed a committee of correspondence in 1773. This was North Carolina, whose House of Assembly, after consideration of the letter of the Virginia House of Burgesses and also of several letters from the other colonies, "expressing their high approbation of and Concurrence with so salutary a measure," took action on December 8. The committee appointed by these resolutions consisted of Speaker John Harvey, and Messrs. Howe, Harnett, Hooper, Caswell, Vail, Ashe, Hewes, and Samuel Johnston of the Assembly.<sup>20</sup>

The Virginia committee received in 1773 two letters from John Cruger, speaker of the New York Assembly. One was in answer to Peyton Randolph's letter of March 19 enclosing the resolutions of the Virginia House of Burgesses of March 12, and stated that the matter would be laid before the New York Assembly when it convened. The letter of April 24, in answer to the letter of the Virginia select committee of April 6, said that the New York Assembly had "no Committee of Correspondence of the same Kind with yours appointed," but that as soon as there should be a meeting of the Assembly the subject would be called to the attention of its members.<sup>21</sup>

In the papers of the Virginia committee there is also a letter from John Norton, the London correspondent. This letter bears date of July 6, 1773, and was written in answer to the letter of the select committee of April 6. Mr. Norton accepted the trust reposed in him by the committee, and stated that he had sent under favor of his friend, Benjamin

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<sup>19</sup> Journals of the House of Burgesses, 1773-1776, pp. 58, 59.

<sup>20</sup> Ibid., pp. 63, 64; The Colonial Records of North Carolina, vol. ix, pp. 740, 741.

<sup>21</sup> Journals of the House of Burgesses, 1773-1776, p. 47.



Harrison, the information requested in their letter. In regard to the duties on tea he wrote:

Our Present Parliament who are just prorogued have made such Strides toward Despotism for sometime past, with respect to the East India Company as well as America, that we have too much Reason to dread bad Consequences from such Proceedings. Some of my Friends in the India Direction tell me that they have Thoughts of sending a Quantity of Tea to Boston, New York, Philadelphia, Virginia & South Carolina, which Government seems to approve, but they suspect their Motives are to make a Cat's Paw of the Company, and force them to establish the 3<sup>d</sup>. p<sup>r</sup>. C<sup>o</sup>. American Duty. I advised the Gentlemen not to think of sending their Tea till Government took off the Duty, as they might be well assured it would not be received on any other Terms, what their Resolutions, will be, time only will discover.<sup>22</sup>

Of all the colonies, Pennsylvania and New Jersey were the most backward in appointing intercolonial committees. In Pennsylvania the Assembly was presided over by Joseph Galloway, a man of decided Tory sympathies. His tardy acknowledgment of the receipt of the Virginia letter and resolutions, which had been sent to him on the 19th of March, was not written until September 25. The letter and resolutions had been laid before the Assembly; but "as the present assembly must in a few Days be dissolved . . . and any Measures they might adopt at this Time rendered, by the Dissolution ineffectual, they have earnestly recommended the Subject Matter of the Letter and Resolves of the House of Burgesses of Virginia to the Consideration of the succeeding Assembly."<sup>23</sup> No action was taken by New Jersey until the early part of 1774.

Two other letters were received by the committee of correspondence of Virginia during the year 1773. On August 10 the select committee of Connecticut wrote to find out what the procedure had been in Virginia in regard to writs of assistance. "That matter is now under the Consideration of the superior Court here, and as it is a matter of very great Importance to the Colonies in General, we wish your Answer, that the Proceedings that have been with you, and your candid and free Sentiments thereon, may be fully

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<sup>22</sup> Journals of the House of Burgesses, 1773-1776, pp. 53, 54.

<sup>23</sup> Ibid., p. 56.

known here.”<sup>24</sup> The other letter, from the committee of Massachusetts, is a plea for the necessity of colonial union against the encroachments of the British Parliament.<sup>25</sup>

By the end of the year 1773 nine of the American colonies had followed the suggestion of the Virginia House of Burgesses by appointing intercolonial committees of correspondence, leaving three of the middle colonies—Pennsylvania, New York, and New Jersey—yet to take action in the matter. In none of these nine colonies is there any allusion to the local committees of correspondence, while both in form of the committees appointed and in the language of the resolutions making the appointment it is evident that the committees were copied from that of Virginia.

On January 6, 1774, the select committee met at Williamsburg. The Connecticut letter of the preceding August was considered and an answer prepared, which went into an able argument against the validity of the writs of assistance. The Virginia select committee, two of whom were able attorneys, took issue with the opinion of William De Grey, the attorney-general of England.<sup>26</sup>

The committee held its next meeting on May 6, 1774, on the second day of the new session of the Assembly. The proceedings of the select committee were laid before the whole committee of correspondence, “together with the several Letters” which had been received from the different colonies, and it was ordered that the proceedings and letters should be laid before the House of Burgesses.<sup>27</sup> On May 25 the committee held another meeting, when a letter which had been received from the committee of New Jersey announcing its appointment was read and also ordered to be laid before the Lower House.<sup>28</sup>

According to order these matters were laid before the House on May 26, and consideration was fixed for the following Thursday. It was further ordered that the clerk of

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<sup>24</sup> Journals of the House of Burgesses, 1773-1776, p. 55.

<sup>25</sup> *Ibid.*, pp. 56, 57, 58.

<sup>26</sup> *Ibid.*, pp. 135, 136, 137.

<sup>27</sup> *Ibid.*, p. 137.

<sup>28</sup> *Ibid.*, p. 138.

the committee should transcribe its minutes and letters into a book.<sup>29</sup> Before the day appointed, however, the Assembly was suddenly prorogued.

The House of Burgesses, fearing a dissolution if Dunmore did not like its proceedings, seems to have postponed the consideration of these papers purposely until the other business of the session could be concluded. On the receipt, however, of news of the Boston Port Bill, the House of Burgesses, on May 24, passed resolutions appointing a day of fasting and prayer; and on May 26 Dunmore, hearing of the resolutions, dissolved the House, claiming that the language used in the order of that body was a reflection on the king.<sup>30</sup>

Jefferson gives in his memoir these facts concerning the action of the House of Burgesses:

The lead in the House, on these subjects, being no longer left to the old members, Mr. Henry, R. H. Lee, Fr. L. Lee, three or four other members, whom I do not recollect, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts, determined to meet and consult on the proper measures, in the council-chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen, as to passing events; and thought that the appointment of a day of general fasting and prayer would be most likely to call up and alarm their attention. No example of such a solemnity had existed since the days of our distresses in the war of '55, since which a new generation had grown up. With the help, therefore of Rushworth,<sup>31</sup> whom we rummaged over for the revolutionary precedents and forms of the Puritans of that day, preserved by him, we cooked up a resolution somewhat modernizing their phrases, for appointing the 1st day of June, on which the port-bill was to commence, for a day of fasting, humiliation, and prayer, to implore Heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and Parliament to moderation and justice. To give greater emphasis to our proposition, we agreed to wait the next morning on Mr. Nicholas, whose grave and religious character was more in unison with the tone of our resolution, and to solicit him to move it. We accordingly went to him in the morning. He moved it the same day; the 1st of June was proposed; and it passed without opposition.<sup>32</sup>

<sup>29</sup> Journals of the House of Burgesses, 1773-1776, pp. 130, 131.

<sup>30</sup> *Ibid.*, pp. 124, 132; Virginia Gazette, May 26, 1774. The resolution appointing June 1 as a day of fasting, humiliation, and prayer was introduced by Robert Carter Nicholas, and was printed in the Virginia Gazette of May 26.

<sup>31</sup> J. Rushworth, Historical Collections, vol. iv, p. 494.

<sup>32</sup> Washington, Thomas Jefferson, vol. i, pp. 6-7; T. F. Gordon, History of Pennsylvania, p. 485.



On May 27, the day after the prorogation, eighty-nine members of the Assembly held a meeting in the Raleigh Tavern, and adopted an association which was signed by the members present, and afterwards by twenty-one citizens. Besides forming this non-intercourse association recommending the stopping of all trade relations with England until the repeal of the objectionable duties, the Burgesses instructed the committee of correspondence to communicate "with their several corresponding committees, on the expediency of appointing deputies from the several colonies of British America, to meet in general congress, at such place annually as shall be thought most convenient; there to deliberate on those general measures which the united interests of America may from time to time require."<sup>33</sup> These instructions were carried out by the committee of correspondence at the meeting of May 28, when a circular letter was written to the committees of Pennsylvania, New York, Maryland, New Jersey, Massachusetts, Rhode Island, Connecticut, New Hampshire, Delaware, North Carolina, South Carolina, and Georgia; and these letters were sent by the same day's post.<sup>34</sup>

The select committee met on May 31, when "several Letters from Maryland, Pennsylvania and Massachusetts Bay" were laid before the committee. It was resolved that a letter should be immediately prepared to the North Carolina committee, enclosing copies of these letters and papers, with the request that these be forwarded to the two more southern colonies, with report of their own action.

A letter<sup>35</sup> was also prepared and sent to the Maryland committee in reply to theirs of the 25th of May which had enclosed the letter and resolutions from Boston. It was stated that the moderator of the association, Peyton Randolph, had at once called a meeting of as many of the burgesses as could be reached. Although most of the representatives had returned to their respective counties, yet

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<sup>33</sup> Journals of the House of Burgesses, 1773-1776, pp. xiii-xv.

<sup>34</sup> Ibid., p. 138.

<sup>35</sup> Ibid., pp. 138, 139, 140, 145, 146, 147, 148.

twenty-five of them had come together on May 30, when they had passed a resolution that there be held a convention of the representatives of the House of Burgesses in Williamsburg on August 1, 1774.<sup>36</sup>

On August 4, during the session of this Virginia convention, which was composed of the duly elected members of the House of Burgesses, the select committee of correspondence held a meeting and prepared letters to the committees of Maryland and Pennsylvania notifying them that Virginia had elected her delegates to a congress. As the convention was still in session and had not finished its deliberations, the whole proceedings could not, at that time, be transmitted.

This convention<sup>37</sup> was in session from August 1 to August 5, and the result of its deliberations was the adoption of an association containing provisions for a non-importation agreement to become effective after November 1, 1774, and a non-exportation agreement to go into effect on the 10th of August, 1775, if American grievances were not redressed by that time. To see that the provisions of these agreements should be complied with, committees of observation were to be appointed in each county, whose duty it should be to report violations of the association. I hope to treat the work of these local committees in another monograph.

The remaining correspondence of the Virginia committee, the letters received by it in 1774, can be treated briefly. On March 1 the speaker of the New York Assembly notified Peyton Randolph that on January 20, 1774, a committee of correspondence had been chosen by that body;<sup>38</sup> and on March 14 the committee of New Jersey notified Virginia of its appointment by a resolution of the New Jersey Assembly of February 8.<sup>39</sup> The province of Pennsylvania was

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<sup>36</sup> Calendar of Virginia State Papers, vol. viii, pp. 52, 53.

<sup>37</sup> American Archives, 4th series, vol. i, pp. 686-688.

<sup>38</sup> Journals of the House of Burgesses, 1773-1776, p. 143.

<sup>39</sup> Journals of the House of Burgesses, 1773-1776, pp. 144, 145; Letter from Governor Franklin to the Earl of Dartmouth, in American Archives, 4th series, vol. i, p. 318.

so tardy in the appointment of its committee of correspondence that in a mass-meeting on May 20, 1774, the people of Philadelphia appointed a committee which carried on communication with the other colonies until the Assembly, at its next session, decided to utilize the standing committee of correspondence, to which was added the speaker, Joseph Galloway.<sup>40</sup>

The other letters deal chiefly with the subject of a general congress and show the leading part played by the intercolonial committees of correspondence in the creation of that body. As has been already shown, the Virginia committee had made the suggestion in the circular letter of May 28. On the second Monday in June, 1774, the General Assembly of Rhode Island appointed delegates to meet the representatives of the other colonies in a general congress, "at such Time and place as shall be agreed upon by the major part of the Committee appointed or to be appointed by the Colonies in general."<sup>41</sup> Massachusetts took more definite action, however, for on June 17 the House of Representatives appointed a "Committee on the part of this Province . . . to meet such Committees or Delegates from the other Colonies, as have been or may be appointed, either by their respective Houses of Burgesses, or Representatives, or by Convention or by the Committees of Correspondence, appointed by the respective Houses of Assembly," and suggested Philadelphia and September 1, 1774, as the place and time for holding the congress.<sup>42</sup>

The first Continental Congress was the creation of the intercolonial committees of correspondence, their efforts having made its calling possible. In all of their proceedings they had acted as the representatives of the popular bodies by which they had been appointed, and in the recess between the sessions of the assemblies they had acted for these bodies. It was through their work that the proroga-

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<sup>40</sup> T. F. Gordon, *History of Pennsylvania*, p. 483.

<sup>41</sup> *Journals of the House of Burgesses, 1773-1776*, p. 153.

<sup>42</sup> *Ibid.*, pp. 156, 157; *American Archives*, 4th series, vol. i, pp. 421-423.



tions and dissolutions of the royal governors were nullified and the representatives of the people were allowed to voice the wishes of their constituencies.

In the resolutions appointing the delegates to the first Continental Congress the very language, in several cases, shows that the Congress was looked upon as a meeting of the committees of correspondence.<sup>43</sup> An examination of the personnel of the Congress of 1774 shows that a majority of its members were members of the committees of correspondence.<sup>44</sup> As these committees, which had created the Congress, had acted for the various legislatures, they conferred a representative character on that body. This representative character was made more and more prominent as the respective colonial legislatures ratified the action of the Congress and the part taken by the committees of correspondence in its creation.

With the convening of the Continental Congress the great work of the intercolonial committees had been accomplished, and most of their activities were soon lost in the central body which they had created. By 1775 another committee, the committee or council of safety, began to appear as the executive power in the colonies during the interregnum between the breakdown of the royal government and the rise of the state government. This committee of safety replaced the committee of correspondence almost completely, absorbing its remaining functions and in many cases its membership. The transition from the Virginia committee of correspondence to the Virginia committee of safety I shall treat in another monograph.

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<sup>43</sup> Journals of the House of Burgesses, 1773-1776, pp. 153, 156, 159.

<sup>44</sup> See credentials of the delegates to the Congress of 1774, in W. C. Ford, Journals of the Continental Congress, vol. i, pp. 15-30.

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I

## THE ORGANIZABILITY OF LABOR





SERIES XXXV

161 113  
NO. 2

JOHNS HOPKINS UNIVERSITY STUDIES  
IN  
HISTORICAL AND POLITICAL SCIENCE

Under the Direction of the  
Departments of History, Political Economy, and  
Political Science

---

THE ORGANIZABILITY OF LABOR

BY

WILLIAM O. WEYFORTH, PH.D.  
Instructor in Economics in Western Reserve University

---

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## PREFACE

This monograph had its origin in an investigation carried on by the author while a member of the Economic Seminary of the Johns Hopkins University. The principal sources of information have been the trade-union publications contained in the Johns Hopkins library. Various government reports were frequently consulted, and valuable information was obtained from the monographs of former members of the Economic Seminary upon trade-union activities. Documentary study was also supplemented by numerous personal interviews with trade-union officials.

The author wishes to express his appreciation of the helpful criticism and advice received from Professor J. H. Hollander and Professor G. E. Barnett.

W. O. W.



Vny

# THE ORGANIZABILITY OF LABOR

## INTRODUCTION

Unrestrained individualism belongs to the past history of our economic life. The policy of laissez faire, when put into practice at the beginning of our present industrial system, led to evils which are familiar to all students of economic history. Gradually the free play of individualistic competition has been interfered with in one form or another, until today we have passed far from the ideal of Adam Smith. This interference, so far as it is concerned with the so-called labor problem, arises from two sources: (1) state legislation in such forms as factory acts and laws fixing the maximum hours of labor or the minimum rates of wages; (2) voluntary associations, of which by far the most important type is the labor union, by means of which also working conditions, hours of labor, and wages may in some degree be regulated.

What limits can we assign to this interference? The limits of the state's control over industrial life must, in the long run, depend simply upon the idea which exists among the people of the state as to what is expedient, constitutional restraints to the contrary notwithstanding; for such impediments may clearly be set aside if a sufficient proportion of the electorate so determines. On the other hand, it is obvious that the possibilities of regulation through trade unions must depend primarily upon the extent to which the laboring force can be organized into effective associations; in other words, upon the organizability of labor.

A detailed investigation by Dr. Wolman<sup>1</sup> of the extent

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<sup>1</sup> L. Wolman, "The Extent of Labor Organization in the United States in 1910," in *Quarterly Journal of Economics*, vol. xxx, p. 499.

of organization in the United States in 1910 showed that the total membership of American labor unions at that time was 2,100,000. Inasmuch as the total number of persons gainfully employed in this year was over 38,000,000, it appears that the proportion of trade unionists among those employed in industry was comparatively small, only 5.5 per cent; and the importance of labor organizations as part of the regulative system of modern industrial life might seem correspondingly slight. The strength of trade unionism, however, cannot be measured in this rough manner. We should not expect trade unions to include within their ranks all persons gainfully occupied. Most of those in the employing and salaried classes would be definitely excluded. The same thing is true of most of those persons for the organization of whom little or no effort is expended because of their isolation, their lack of class consciousness, or their peculiar relation to the state; for example, farm laborers and domestic servants, clerks and stenographers, firemen and policemen.<sup>2</sup> When allowance was made for these classes and also for those workers who are excluded from the unions because below the age limit required for membership by the rules of most of these bodies, the conclusion was reached that the "extent of organization of those persons in industry whom trade unions make definite and sustained efforts to organize" was, roughly speaking, 18.4 per cent in 1910.<sup>3</sup> Although the absolute number of trade unionists has increased considerably within the past six years, the percentage of organized workers probably remains not far from the same.

It is evident, therefore, that, if collectivism is to realize its highest possibilities in the solution of our industrial problems, much yet remains to be done in the organizing of

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<sup>2</sup> It is not meant to imply that the above classes are altogether beyond the power of organization. In fact there are unions of letter carriers, post-office clerks, railway clerks, and retail clerks. But, generally speaking, trade unionism is a movement of the manual workers, and even among the latter no serious effort has been made to organize such isolated classes as those mentioned above.

<sup>3</sup> Wolman, *The Extent of Labor Organization*, p. 504.



labor. Of course, it must be borne in mind that unorganized workmen are often affected in an important manner by the regulations brought about through the efforts of the organized. For instance, improvements in sanitary conditions and shortening of the hours of labor may be obtained by the organized skilled workers in a particular shop or industry, necessitating the according of similar advantages to all the workers in the shop or industry involved, unorganized as well as organized. On the other hand, in the matter of wages, not only do the unorganized classes reap no advantage from the activities of the trade unions, but it is possible that they may even suffer a detriment thereby, since an increase in wages gained by the organized workers may be obtained at the expense of the party weakest in bargaining power, namely, the unorganized workers. Consequently, if trade unionism is to be effective in forwarding the realization of our ideals of social justice, it is clear that there is room for a wide extension of organization in the future.

It is the purpose of this study to analyze the problems which have arisen in connection with the attempt to organize those workers who may be definitely included within the program of trade unionism, that is, that residuum of wage-earners of whom, as was pointed out above, 18.4 per cent were organized in 1910. In order to understand the difficulties in the way of organization and to appreciate the possibilities of trade-union growth, it is necessary to know something about the mechanism of organizing or, in other words, the ways and means by which organization is brought about. In this connection there are three problems involved. First, individuals must be brought together for combined action. Here it is a problem of getting the men into the union. Second, this original combination of forces must be given stability and permanence. Here it is a problem of holding the men in the union. Problems of this sort are naturally present, although probably in different degrees, in forming any sort of association, trade union or other-

wise. In the organizing of labor, however, still a third factor is found, namely, the attitude of the employer toward the organization of his employees. Since this attitude has usually been one of hostility and has led to efforts to prevent the formation of unions, the complete analysis of the mechanism of organizing requires also a consideration of the methods by which the opposition of the employer is overcome and of the difficulties and limitations in the way of the effective application of these methods.

After the discussion of these general principles, we are in a position to consider some of the specific factors which have hindered a wider extension of trade unionism or have fostered its growth. In this connection we are concerned with the effect upon organization of certain conditions (1) in the management of the union itself, (2) in the characteristics of particular classes of workmen, (3) in the nature of the business organization, (4) in the technical nature of various trades and industries, and (5) in the general economic life and progress of the country. The influence of public opinion will also be considered.

In the discussion of the problems thus arising no attempt will be made to take account of every possible motive or cause that may at times be operative, but attention will necessarily be confined to those phases of the subject which involve principles of importance.

## CHAPTER I

### METHODS AND AGENCIES OF ORGANIZING

The coming together of workmen to form labor organizations is not an altogether spontaneous process. It is true that it at times happens that a new grievance causes a number of workmen to rise up in unanimous protest. An episode which affords an interesting example of this is related by Mr. Joseph R. Buchanan. In May, 1884, the Union Pacific Railroad posted in its shops notices that wages for all men in the shops would be reduced from ten to twenty-five per cent. The result was a strike of all the men. Mr. Buchanan says: "There is no record of another such strike in the whole history of the labor movement in this country. Not a shop on the system was organized when the notice of reduction was posted, and yet, inside of thirty-six hours, every shop from Omaha to Ogden and upon all the branch lines was on strike."<sup>1</sup>

Even such a spontaneous outburst, however, may lead to nothing in the way of permanent organization. Thus in this case the company capitulated within four days, and work was resumed at the old wages. But as soon as the order was recalled, some of the men were for abandoning further steps toward organization. They were advised, however, to continue their efforts in case of future trouble. This advice was acted upon, and several organizers were put upon the road within a week after the close of the strike. Within thirty days, Mr. Buchanan asserts, there was a healthy assembly of the Knights of Labor at each important point on the system. Here what was needed to crystallize a temporary combination of labor into a permanent organization was the assumption of leadership by

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<sup>1</sup> The Story of a Labor Agitator, pp. 70-78.



certain individuals of greater forcefulness, of larger executive capacity, and of a more vigorous faith in the principle of organization than that possessed by the ordinary type of mechanic employed in the shops. The necessity for leadership as exhibited in this instance is typical of the condition throughout the entire field of labor organization.

Still another factor is necessary for the formation of a local union, namely, a stimulus. In the case described this stimulus was provided by an overt act of the employers, involving plainly disastrous consequences to the workmen, and such instances as this doubtless occur frequently in the industrial life of the country. But in many businesses work may run along for years without the occurrence of any such clearcut grievance, and during these years the workmen, either through ignorance and diffidence, or on account of some more worthy cause, may carry on their work in resignation or contentment, as the case may be. Or even in case there is a vague desire within some of the men for better conditions and higher wages, together with a belief in the possibility of achieving these through united action, nevertheless, unless there exists among their number some leader or leaders of aggressiveness and magnetism, this incipient union sentiment may never crystallize into practical organization. Under circumstances such as these some stimulus from without is necessary if organization is to result.

From what sources, then, is this stimulus, as well as leadership, to be obtained? In the early days of trade unionism, before the development of federated leagues or national unions or any other form of central organization, such as the Knights of Labor or the American Federation of Labor, it is evident that little reliance could be placed upon outside sources for these two factors, and during these years the growth of union membership in all trades was comparatively slight. Under such conditions, unless a proper stimulus and efficient leadership happened to exist among the group needing organization, dependence had to be

placed upon the chance arrival in that group of some travelling workman who was himself thoroughly imbued with the spirit of trade unionism and who possessed sufficient courage to run the risk of antagonizing his employer and sufficient enthusiasm and forcefulness to convince his fellow-workmen that they ought to be organized. After the formation of a central body, however, it became possible to develop a more systematic and dependable scheme of extending organization.

Consequently we never find a wide or rapid extension of organization until the individual local unions originally formed have banded themselves together in some sort of central association. The quickened growth of organization in a trade or industry after the formation of a national union therein is a phenomenon which can be observed in practically any union. The early history of the Molders will serve as a convenient example. At the formation of the central body in 1859 but twelve unions were represented.<sup>2</sup> For several years the organization did not amount to much. At the fourth convention in January, 1863, but fourteen unions were represented, about twenty-six unions being in existence at this time.<sup>3</sup> Immediately after this convention, however, the president of the national union started out upon an organizing trip. During the year he succeeded in organizing eighteen new unions and in reorganizing sixteen others.<sup>4</sup> In the next two years, 1864-1866, he organized sixty-four new unions and reorganized twenty-four.<sup>5</sup> At the convention in 1867 seventy-four local unions were represented.<sup>6</sup> For some years after this the union made no advance and even declined, but its rapid growth during the years mentioned illustrates how the stimulus and leadership of an officer well qualified and specially commissioned for organizing work may bring to a

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<sup>2</sup> Iron Molders' International Journal, January 31, 1874, p. 1.

<sup>3</sup> Ibid., May 31, 1874, p. 351; June 30, 1874, p. 385.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid., July, 1909, p. 433.

<sup>6</sup> Ibid., p. 435.

focus in a short time possibilities of unionism which might otherwise have been unrealized for many years. Of course, in many instances national unions are formed which do not take root and die a quick death. But if the national union once takes firm root, its formation is generally followed by a heightened rapidity in the organizing of local unions; and certainly, so long as the organization of labor has been confined to isolated local unions, without any sort of central body, the extension of organization has been neither wide nor rapid.

In the early days of a national union for the purpose of supplying this outside stimulus or leadership which may be necessary for starting a local union, reliance is usually placed upon flying trips by an executive officer of the union or upon the dispatch of a special deputy. With the growth of the union in size and financial strength, the president and the secretary are usually made salaried officers so that they can devote the whole of their attention to union affairs, and in the course of further development the tendency has been to provide for a special class of officers whose principal duty is to organize new local unions. These officers are usually called organizers, although in some cases their official title may be that of vice-president, as with the Molders, or member of the executive board, as in the case of some of the organizers of the United Mine Workers.

The methods employed by the organizer in his work differ according to the nature of the situation with which he has to deal. If the time at his disposal is limited and the workers whom he wishes to organize are numerous and unskilled, he may either post a public notice or station himself at some point where he can meet the workingmen coming from their shops and distribute to them leaflets reciting the advantages of organization and inviting them to be present at a meeting to be held at some specified time and place. If at the appointed time a sufficient number are present, a rousing speech is delivered, and then, if the number signifying their intention to become members is



large enough, an application is filled out for a charter from the central union.

Where the number to be organized is smaller, or where the organizer is less pressed for time, a personal canvass may be made of every man, either at his home or at his shop, before a meeting is finally called.<sup>7</sup> And in some unions, such as the United Mine Workers,<sup>8</sup> the organizer may spend weeks mingling with the men, talking with them, distributing leaflets, stirring up discussion, and generally arousing a union spirit in the community before he is ready to call a meeting at which organization is to be effected.

Nearly all unions have at some time or other in their history made use of organizers. It was but natural, however, that these officers while out upon the road should be called on by the national union at various times to act as adjusters in disputes where the officers of the local unions involved seemed unable to cope with the situation. Gradually this aspect of the organizer's work assumed greater importance, and in some instances it has overshadowed, if not completely crowded out, the work of organizing new local unions. This is what has occurred in the Molders' Union<sup>9</sup> and in the Typographical Union.<sup>10</sup> Then too, the organizer is generally expected to devote some of his time to visiting established local unions, especially those that are weak, encouraging them, instructing them, or, perhaps, as in the case of the Barbers' Union,<sup>11</sup> acting as auditor of their accounts. For these reasons it is impossible to say just what part of the time of an organizer is devoted to the

<sup>7</sup> See, for example, *Amalgamated Meat Cutters and Butcher Workmen, Proceedings*, 1899, p. 10; also *Iron Molders' Journal*, September, 1891, p. 2.

<sup>8</sup> See F. J. Warne, "The Miners' Union," in J. R. Commons, *Trade Unionism and Labor Problems*, pp. 23, 24.

<sup>9</sup> Interview with John P. Frey, editor, *Cincinnati*, August 26, 1914.

<sup>10</sup> *Proceedings*, 1910, p. 7, report of President Lynch. In the Constitution of the Typographical Union, in effect January 1, 1911, art. vi, sec. 8, the name of these officers was changed from "organizers" to "representatives," the name thus being made to correspond more nearly to their actual functions.

<sup>11</sup> Constitution, 1909, secs. 59-65.

actual work of starting new local unions. There is, of course, far less necessity for such work among the long established unions in some of the skilled trades, such as the Molders' Union or the Typographical Union, than there is among poorly organized groups of workers, such as the Textile Workers or the Teamsters. At the present time the employment of paid organizers by national unions is quite general in this country. Of thirty-two typical unions for which data were obtained, all but two pursue this policy to some extent.<sup>12</sup> Of these two, one is the Journeymen Stone Cutters' Association, which has jurisdiction over a trade already strongly organized and which now depends for the starting of new local unions upon members traveling around from one place to another. The other is the Journeymen Horse Shoers' Union. Here, however, the national president occasionally acts as an organizer, and the organizers of the American Federation of Labor assist in the work in the small towns. Doubtless the proportion among all the national unions of the country of those employing paid organizers is much smaller than the above-mentioned figures would indicate. Many of the recently formed national unions are small and financially weak so that the cost of maintaining organizers cannot be afforded. We may safely assert, however, that in the great majority

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<sup>12</sup> The thirty unions employing organizers are as follows: Bakery and Confectionery Workers; Barbers; Blacksmiths; Brewery Workmen; Bricklayers; Bridge and Structural Iron Workers; Hod Carriers; Hotel and Restaurant Employees; Iron, Steel and Tin Workers; Lathers (organizers not employed steadily, but only during busy season of the year); Longshoremen; Metal Polishers; United Mine Workers; Molders; Pattern Makers; Pavers, Rammermen, Flag Layers, Bridge and Stone Curb Setters; Photo Engravers; Piano and Organ Workers; Retail Clerks; Sheet Metal Workers; Stove Mounters; Street and Electric Railway Employees; Tailors' Industrial Union; Teamsters; Textile Workers; Typographical Union. In some of these unions, however, as mentioned in the text, the actual amount of organizing work done by the so-called organizers is small. This is true of the organizers of the Brewery Workmen and the Photo Engravers, as well as of those of the Molders and the Typographical Union. In the Molders' Union, however, there are twenty-one or twenty-two Conference Boards. These are district organizations composed of local unions. Each one of these boards maintains as a rule one or two business agents, and these act as organizers.

of trade unions possessing the requisite financial ability the policy of employing paid organizers is firmly established.

The extent to which paid organizers are employed by any particular union will depend upon a number of considerations; for example, the number of employees in the trade or industry, the degree to which they are already organized, the state of their intelligence, the financial resources of the union, and the importance attached by the union to the extension of organization in its particular field. Consequently the number of these officials employed and the money expended for organizing purposes by different unions vary widely. The United Mine Workers employ the greatest force of organizers. In 1907 the number employed during the greater part of the year, including the members of the executive board, was 94.<sup>13</sup> The cost of salaries and expenses for officers and organizers during the year was \$169,671.78.<sup>14</sup> No report is given of the number of organizers since then, but the amount of salaries and expenses has gradually increased, so that for the year December 1, 1912–December 1, 1913, it was \$290,764.09.<sup>15</sup> Consequently the number of organizers must have increased greatly. Among other unions employing large or fairly large forces of organizers may be mentioned the Brotherhood of Carpenters, with about 50;<sup>16</sup> the Street and Electric Railway Employees, with from 15 to 25;<sup>17</sup> the Bakery and Confectionery Workers, with from 10 to 14;<sup>18</sup> the

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<sup>13</sup> Proceedings, 1908, p. 55.

<sup>14</sup> Proceedings, 1908, Report of Secretary, p. 166.

<sup>15</sup> Proceedings, 1914, Report of Secretary, p. 196. In this no distinction is made between the salaries and expenses of organizers and the salaries and expenses of officers. At the convention in 1909, however, it was reported that for the eight months from April to November, inclusive, organizing salaries and expenses had amounted to \$106,722.37 (Proceedings, 1909, p. 220). Calculated upon the same basis for the entire year, such salaries and expenses would have amounted to approximately 75 per cent of the total salaries and expenses for the year December 1, 1907–December 1, 1908 (\$211,803.84). See report of secretary in Proceedings, 1909.

<sup>16</sup> Interview with President Kirby, Indianapolis, August 28, 1914.

<sup>17</sup> Article by President W. D. Mahon, in *American Federationist*, July, 1914, p. 550.

<sup>18</sup> *Bakers' Journal*, March 14, 1914, p. 4, and interview with Treasurer Myrup, Chicago, September 4, 1914.



Barbers, with 5 regular organizers, and at times from 8 to 10;<sup>19</sup> the Pattern Makers, with 5.<sup>20</sup>

Finally, there is the corps of organizers maintained by the American Federation of Labor. The work of these organizers consists in the formation and building up of local unions in trades in which no national union exists, in assisting the national unions in the organizing of their trades or industries whenever possible, and in acting as adjusters for the local unions directly affiliated with the Federation, or for other unions whenever called upon. Since its formation in 1886 the American Federation of Labor has made the promotion and extension of organization one of its principal functions. At the third convention in 1888 President Gompers reported that eighty organizers had given good service during the previous year without pay.<sup>21</sup> In the early years the amount of organizing work done was naturally not great because of the limited resources of the Federation. In the year 1888 only \$249.50 was expended for organizing purposes.<sup>22</sup> With the growth of the Federation in membership and power, however, the number of organizers and the expenditures for organizing purposes have gradually increased. The expenditures reached their maximum in 1913 when they amounted to \$86,698.94.<sup>23</sup> According to a list<sup>24</sup> published February 12, 1914, the total number of American Federation of Labor organizers was 1709. Most of these were volunteers,<sup>25</sup> but twenty-three were listed as regular salaried officials. In addition a good many more were employed as salaried

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<sup>19</sup> Interview with Secretary Fischer, Indianapolis, August 28, 1914.

<sup>20</sup> Proceedings, 1913, p. 14.

<sup>21</sup> Proceedings, 1888, Report of President Gompers.

<sup>22</sup> Ibid., Report of Treasurer.

<sup>23</sup> For the year October 1, 1912, to September 30, 1913 (Proceedings, 1913, p. 39).

<sup>24</sup> List of organizers, American Federation of Labor, February 12, 1914.

<sup>25</sup> Volunteer organizers receive no regular salary. Nevertheless an inducement to exertion is provided by the bonuses which most of the national unions offer to them for the formation of new local unions. These bonuses run all the way from \$5 to \$25, but average about \$10 for a single local union.

organizers for part of the year, so that the total number of paid organizers employed for the whole or a part of the year October 1, 1913–September 30, 1914, was fifty-two.<sup>26</sup> During the same year the total cost for organizers, including salaries and expenses, was \$79,713.76.<sup>27</sup>

The work of the American Federation of Labor as an organizing agency is of great importance. After the organizing of a trade has once obtained a good start, and a national union has been formed, it becomes possible, as we have just seen, for an aggressive policy of organizing to be developed, so that after this the formation of new local unions may be given a decided impetus. However, if dependence is placed purely upon the spontaneous germination of the original local unions or upon the sporadic efforts of isolated union enthusiasts, the formation of the first local unions, sufficient in number to constitute a national organization, may prove an extremely long-drawn-out or perhaps quite unrealizable process among certain of the classes of labor which are more difficult to organize. Under circumstances such as these, where an organized portion of a trade cannot be used to propagate unionism among the unorganized portion, it becomes highly desirable, if unionism is to be spread among all classes of workers, that those outside trades which are well organized should lend some assistance in forwarding organization in those trades less favorably circumstanced for the establishment of collective action.

In the Knights of Labor, an organization into which all classes of labor were admitted, this need was provided for not only by a set of organizers whose business it was to organize all kinds of workmen, but also by the formation of mixed local assemblies into which men of various crafts were admitted. In 1872 the original assembly of the Knights of Labor in Philadelphia, although composed of skilled garment cutters, initiated a few workmen from other trades with a view to their working for the organization

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<sup>26</sup> Proceedings, 1914, p. 41.

<sup>27</sup> Ibid.

of their respective crafts. These members were called "sojourners." As soon as a sufficient number belonging to any one craft had entered the order, a local assembly of that trade was formed under the supervision of a sojourner who transferred his membership to the new assembly. During the following year twenty assemblies were organized in Philadelphia.<sup>28</sup> After this, although many trade assemblies were formed, the mixed assembly was considered the ideal unit of organization.<sup>29</sup> This method of organizing probably accounts in part for the phenomenally rapid growth which the Knights of Labor experienced for a time. In one year, from July, 1885, to July, 1886, the reported membership increased from 111,388<sup>30</sup> to 729,677.<sup>31</sup>

In more recent years this need of assistance from the strongly organized crafts in the work of forming unions in other unorganized crafts has been supplied through the agency of the American Federation of Labor. Through its large corps of organizers, maintained principally by the contributions of national unions, a means is at hand whereby the requisite leadership and stimulus are made available for those workers where provision for these factors cannot be made by a national union in the particular craft concerned. Thus the organizing activities of the Federation become especially valuable among those classes of laborers for whom there is either no national union or whose existing union is too weak to support an adequate organizing policy. Where there is no national union the laborers are organized into local unions affiliated directly with the American Federation of Labor. If there are sufficient members of any one craft, a separate "local trade union" is formed. Where this is not possible, a mixed organization known as a "federal labor union" is formed. In the fourteen years from 1901 to 1914 there were chartered 3619 local trade

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<sup>28</sup> C. D. Wright, "An Historical Sketch of the Knights of Labor," in *Quarterly Journal of Economics*, vol. i, pp. 145-146.

<sup>29</sup> W. Kirk, "National Labor Federations in the United States," in *Johns Hopkins University Studies*, ser. xxiv, nos. 9-10, p. 32.

<sup>30</sup> *Proceedings, Knights of Labor, 1885*, p. 174.

<sup>31</sup> *Proceedings, 1886*, p. 48.



unions and 1700 federal labor unions, affiliated directly with the Federation.<sup>32</sup> On September 30, 1914, there were in existence 570 such unions with a membership of 27,914.<sup>33</sup>

However, not all of the unions representing the difference between the total number organized and the number still in existence in 1914 were disbanded. During this period—1901 to 1914—there were over 1230<sup>34</sup> local unions whose charters were surrendered because they affiliated with national unions of their respective crafts which had been formed. When a sufficient number of local trade unions of any one craft have been formed, the Federation endeavors to unite them in a national organization. In the nineteen years from 1896 to 1914, reports the secretary of the Federation, 75 national organizations have been formed out of directly chartered local unions.<sup>35</sup> It is true that not all of these national organizations have survived, but in 1913 there were still in existence 38 of them with a total membership of over 225,000. Of course not all of this membership is due to the efforts of the American Federation of Labor organizers. Some of these unions now do considerable organizing on their own account. But the Federation is at least responsible for setting in motion the forces which later brought about the results.

In addition to its work of promoting the formation of unions in totally unorganized trades, the Federation is of great assistance to established unions in the extension of their organizations. In 1897 it was reported by the secretary of the Federation that over five hundred applications for local unions had been forwarded by American Federation of Labor organizers to the different affiliated national unions.<sup>36</sup> In 1903 President Gompers stated that two hun-

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<sup>32</sup> These figures are based upon the annual reports of the secretary, published in the Proceedings of the American Federation of Labor from 1901 to 1914.

<sup>33</sup> Proceedings, 1914, p. 42, Report of Secretary.

<sup>34</sup> The exact figures, calculated from the reports of the secretary, were 1233. But these did not include the year 1910 in which no statistics were given as to number of charters surrendered by directly affiliated local unions.

<sup>35</sup> Proceedings, 1914, pp. 21-23.

<sup>36</sup> Proceedings, 1897, p. 23.

dred and fifty-four of the Federation organizers reported that they had organized over eleven hundred such local unions.<sup>37</sup> Since this date no reports have been given concerning the number of local unions thus organized for national bodies, but various national unions frequently express their appreciation of the work done by the Federation in the extension of their organization. Thus in October, 1912, the president of the United Textile Workers reported that for the previous ten months the union had been materially assisted in its organizing campaign by the American Federation of Labor, which at one time had as many as six of its regular organizers at the disposal of the Textile Workers.<sup>38</sup> At the convention of this union in the following year it was reported that the Federation had paid fifty dollars per week during the year as part payment for two organizers.<sup>39</sup> Naturally, for strong, firmly established unions, well able to maintain organizing forces of their own, the work of the American Federation of Labor may be of comparatively slight importance, but in the promotion of trade unionism in unorganized branches of industry or the fostering of its growth in weak unions the organizing activities of the Federation are invaluable.

In 1903 there was organized the National Women's Trade Union League, the purpose of which was to extend the organization of women workers. The league is not strictly a labor organization in that non-laboring persons in sympathy with trade unionism are admitted as members. Connected with the national league are eight local leagues in large cities, whose membership must include at least seven women, and whose executive boards must consist of a majority of trade unionists in good standing. National unions, local trade unions, central labor bodies, and state federations of labor may also affiliate. The league endeavors to promote the organization of women wherever possible, and for this purpose sends out organizers from time to time when-

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<sup>37</sup> Proceedings, 1903, pp. 29, 30.

<sup>38</sup> Proceedings, 1912, p. 11.

<sup>39</sup> Proceedings, 1913, p. 63.

ever a good opportunity presents itself and finances permit. The principal organizing activities, however, are carried on by the local leagues, several of which, particularly those in Chicago and New York, do considerable work of this kind. The report of the New York League for the year ending March 1, 1911, showed that three organizers had been maintained for a large part of the year at a cost of over \$2000.<sup>40</sup> The attempt is also made to secure voluntary help from the general membership. In 1912 a campaign was undertaken by the national league to get financial assistance from various national unions. As a result of this the American Federation of Labor and three national unions each agreed to contribute fifty dollars a month for one year. Several other unions made contributions of about one hundred dollars each.<sup>41</sup> The league has also started in Chicago a school in which to train women to do organizing work. In February, 1914, it was reported that two full-course pupils were in attendance, and that in addition twenty-five or thirty Chicago trade-union women were attending classes dealing with trade-union matters.<sup>42</sup>

In addition to the work of organizers, most national unions depend also upon the distribution of printed matter for the stimulation of organization; and in the case of some of the smaller unions, except for an occasional organizing trip by the president of the union, this may be all the assistance rendered by the national union in this direction. This printed matter is sometimes mailed directly by the central office to non-members whom it is desired to interest in organization, or, when the names and addresses cannot be obtained or the number is too great, the matter is distributed by organizers or members of the union. It consists usually of cards or small leaflets, the contents of which differ, of course, according to the conditions confronting each union. As a rule, however, some or all of the following matters are

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<sup>40</sup> Annual Report, Women's Trade Union League of New York, 1910-1911, p. 26.

<sup>41</sup> Proceedings, 1913, Secretary's Report.

<sup>42</sup> Circular letter, February 26, 1914, from S. M. Franklin, Chairman of Publicity.



included: a statement of the conditions in the trade or industry needing remedying; what the union has accomplished in the past; the benefits paid; quotations from the opinions of great statesmen or public men in regard to organized labor, Abraham Lincoln being an especial favorite; finally, an appeal to the non-union man to realize his responsibility and opportunity, and join the union. At times this literature may be accompanied by drawings depicting the wretched and unenviable existence of the non-union man as contrasted with the prosperous and happy life of his union brother.

By some unions a considerable amount of printed matter is distributed. The Barbers reported that in the five years previous to the convention of 1909, 150,000<sup>43</sup> pieces had been sent out, and the Steam Engineers distributed more than that amount in the one year, 1903.<sup>44</sup> Sometimes a union makes use of its journal for the purpose of stimulating interest in organization by sending it gratis to non-union men. The Amalgamated Association of Street and Electric Railway Employees spread abroad in this way during the term September 1, 1907, to September 1, 1909, sixty thousand copies of its monthly journal, *The Motorman and Conductor*.<sup>45</sup> In 1912 President Gompers reported that, in order to organize the workers in the iron and steel industry, circulars in various foreign languages had been distributed broadcast, and in addition several hundred thousand copies of the *Weekly News Letter*, with the circulars incorporated therein, were distributed to the English-speaking workmen.<sup>46</sup>

Little reliance is placed by trade unions upon literature alone as a means of bringing about the formation of local unions in unorganized towns, but as an adjunct to the personal work of members or of organizers it may serve a valuable purpose. It may be sent ahead to educate the men and

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<sup>43</sup> Proceedings, 1909, p. 46.

<sup>44</sup> A. M. Sakolski, "The Finances of American Trade Unions," in *Johns Hopkins University Studies*, ser. xxiv, nos. 3-4, p. 108.

<sup>45</sup> Proceedings, 1909, pp. 58, 59.

<sup>46</sup> Proceedings, American Federation of Labor, 1912, p. 29.

set them thinking about trade unionism, thus preparing the way for the visit of the organizer later on; or it may be distributed by the organizer himself and aid him in stimulating the union spirit necessary before a local union can be launched.

The work of the national union as regards the extension of organization is not confined to the starting of new local unions. Organizers are continually visiting established local unions, delivering speeches before them so as to stir up enthusiasm, and at times taking charge of campaigns for an increase of members. Sometimes the national union grants subsidies to the local unions so that those bodies may be able to maintain paid officers to assist in the work of building up the organization. At the convention in 1905 the Teamsters' Union passed a resolution providing that the general president, with the sanction of the general executive board, should have the right to appoint in any city or town where conditions warranted some representative of a local union, who should receive a weekly recompense, not exceeding ten dollars, from the national organization. The local unions were to pay a proportionate share of the expense.<sup>47</sup> The general executive board of the Hotel and Restaurant Employees reported in 1907 that it had put into operation a plan of employing local special organizers, the national union paying at the rate of fifteen dollars per week and the local union appropriating whatever it could afford in order to make the work of the organizer effective.<sup>48</sup> In the Molders' Union there are twenty-one or twenty-two Conference Boards, which are district organizations composed of the local unions within each district. Each of these boards maintains one or two business agents, who also act as organizers.<sup>49</sup> For the support of these agents the boards receive a subsidy from the national union of five cents per capita per month and such additional sums as the president and executive board may deem necessary.<sup>50</sup> In 1913

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<sup>47</sup> Proceedings, 1905, p. 100.

<sup>48</sup> Proceedings, 1907, p. 73.

<sup>49</sup> Interview with Editor John P. Frey, Cincinnati, August 26, 1914.

<sup>50</sup> Constitution, 1912, art. xx, sec. 6.

the president of the Pattern Makers reported that two of the local unions were receiving support in maintaining business agents.<sup>51</sup> The secretary of the Metal Polishers and Brass Workers stated that that union helps to pay expenses of business agents in five cities.<sup>52</sup> In 1911 it was reported by the president of the Machinists that the grand lodge had paid during the year fifty per cent of the salaries and expenses of fifty-one local business agents.<sup>53</sup>

But, although a national union will thus give its aid to the local unions in the work of building up their membership, the growth and prosperity of these unions must depend for the most part upon their own efforts. The statement is often made by trade-union leaders that every member ought to consider himself an organizer. To the great majority of unionists it is probable that this injunction conveys slight sense of obligation. A large percentage of the local unions that are started quickly break up simply for lack of interest on the part of members, and some unions report that local unions are constantly appealing for aid from the national body in the work of building up their organizations.<sup>54</sup> Nevertheless, there are members who, either because of a strong faith in the possibilities of organized labor and a burning zeal for its advancement, or because of a less altruistic ambition that they themselves may attain some distinction, local or national, as labor leaders, devote their spare time and excess energy to the work of influencing their fellow workmen to join the union. A great part of the work of building up the membership of local unions must be done by unionists with more or less of this spirit. Moreover, in course of time, as the local union grows in size, or probably even at the beginning if it is large, the conduct of its affairs is no longer left altogether to gratui-

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<sup>51</sup> Proceedings, 1913, p. 14.

<sup>52</sup> Interview with Secretary Charles R. Atherton, Cincinnati, August 27, 1914.

<sup>53</sup> Machinists' Monthly Journal, October, 1911, p. 97.

<sup>54</sup> For example, see Teamsters, Proceedings, 1905, p. 15, Report of the President; Bakers, Proceedings of the fifth session of the general executive board, in Bakers' Journal, April 17, 1909, p. 3.



tous efforts, but provision is made for a business agent who is paid for full or part time and who, among other things, is expected to endeavor to bring into the union the unorganized members of the craft.

Within recent years a number of unions have at times waged joint organizing campaigns. Some of these campaigns have been confined to particular industries. Thus in 1910 and 1911 the various unions belonging to the Metal Trades Department of the American Federation of Labor made a concerted effort to organize the metal trades of Los Angeles. A similar attempt was made in Erie in 1913. The building trades likewise have waged such campaigns, one of the most important being that at Los Angeles in 1913. The Railroad Employees Department of the American Federation of Labor also reported in 1914 that, with the cooperation of the affiliated organizations, it had been conducting a campaign of organizing work for several months and that much success had been met with.<sup>55</sup> The plan in these campaigns has been for organizers in the various affiliated unions to work together, to concentrate their efforts upon one point so that a more enthusiastic union atmosphere may be created among the men than could be brought about by the efforts of a single organizer, and so that the unions through their combination may stand in a more advantageous position in overcoming the opposition of the employers than they would singly.

On April 21, 1912, patterning after certain movements which had just been conducted for the purpose of increasing men's interest in religion, there was inaugurated in the cities of Minneapolis and St. Paul what was known as a Labor Forward Movement. This movement was a general campaign by organized labor in the two cities for the furtherance of trade unionism. It lasted until May 4. District meetings were held in all parts of the cities, sometimes mass-meetings and sometimes of single trades. Ex-

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<sup>55</sup> Report of Secretary-treasurer Scott of Railroad Employees Department, American Federation of Labor, in *Proceedings*, 1914, p. 190.

penses were cut down by using school buildings, churches, and municipal halls rent free. There was close cooperation with the churches, and on one Sunday evening, it is stated, twenty-two pulpits were occupied at evening meetings by representative labor men.

Mr. Gompers speaks of the purposes, methods, and accomplishments of the movement as follows:

The aim of the campaign was threefold: to increase the numerical strength of the trade union movement; to serve a 'revival' function by arousing the members to renewed and increased activity and zeal and by developing a more militant enthusiasm; to disseminate more widely information of the principles of unionism among citizens. How well they succeeded may be judged from the following: Forty national representatives from all parts of the country were in Minneapolis. From five to ten daily meetings were held in various parts of the city, in public assembly halls, churches, the Y. M. C. A. Building, the court house, school houses, [and] trade union rooms. That six unions were formed in Minneapolis alone as the direct result of the campaign is the statement of E. G. Hall, President of the State Federation of Labor. The success of the educational end may be gauged by the scope of the discussions and the wide range of people reached. Trade union principles were presented to individual locals, to mass meetings of locals, to general audiences in schools and churches, to fraternal organizations, to the Young Men's Christian Association, to men's clubs, the Neighborhood Civic Club, etc. Some of the topics discussed before large audiences were: the union shop vs. the non-union shop; women and child labor; organized labor, its struggles; what does union labor want; the trade unions of to-day; convict labor; the union label; compulsory and industrial education; the shorter workday; wages and morality; health, safety and sanitation in factories; compensation to workmen for injuries received in employment.<sup>56</sup>

Since this initial attempt similar movements have been set on foot in many other cities of the country. In 1913 it was reported that movements had been instituted in Syracuse, Auburn, and Brooklyn, New York, and in Pittsburgh, and that a movement was in progress in New York City.<sup>57</sup> In 1914 some half dozen other cities are mentioned as having conducted such campaigns, the principal one having been waged in Philadelphia, where the convention of the American Federation of Labor was held that year. The conduct of the movement in this city illustrates the use of the methods which have been described for the stimulation of

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<sup>56</sup> American Federationist, October, 1912, p. 828.

<sup>57</sup> Proceedings, American Federation of Labor, 1913, p. 91.

interest in trade unionism. The president and the secretary of the American Federation of Labor assisted in the movement and appointed organizers to cooperate; practically every international union had organizers helping in the work; and literature was distributed at all the mass-meetings. It is reported that large numbers of previously unorganized workers were added to the union as a result of the campaign.<sup>58</sup>

The results accomplished by a Labor Forward Movement in Canton, Ohio, illustrate the effectiveness of this means of promoting organization. The following gains in consequence of the campaign are reported thus: The membership of the Carpenters increased from 108 to 325; that of the Bartenders, from 53 to 107; that of the Painters and Decorators, from 10 to 137; and the Plumbers and Plasterers both brought theirs up to 100 per cent. The following new unions were formed: the Teamsters with 325 members, the Retail Clerks with 127, the Bakers with 50, and the Building Laborers with 70. A Building Trades Council was also organized. Improvements in conditions generally showed the effectiveness of the campaign.<sup>59</sup>

Great hopes are placed in the possibilities of these movements by the officers of the American Federation of Labor. "Nothing," they say, "can continue to exist without food, nourishment. The paramount importance of planning for the work of organization is beyond dispute. In addition to the regular methods there must be special endeavors to arouse enthusiasm and to renew desire to work for the extension of the movement. For this purpose the Rochester Convention [1912] of the A. F. of L. approved and urged the systematic extension of a Labor Forward Movement. The Labor Forward Movement proceeds along the most effective line—it creates ideals and furnishes opportunities for immediately giving them practical reality."<sup>60</sup>

The methods for overcoming the ignorance and indiffer-

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<sup>58</sup> Proceedings, 1914, p. 60.

<sup>59</sup> Proceedings, American Federation of Labor, 1914, p. 60.

<sup>60</sup> Ibid.



ence of the workmen which have so far been described are of a more or less educational nature. Education, however, is often a slow process. Some of the workmen may be too indifferent to place themselves in the way of influence by the educational propaganda, that is, to read the union literature or attend the union mass-meetings. Others, while believing in a general way that the union is a good thing for the working man, cannot be induced to take the definite step of allying themselves with it, thus subjecting themselves to the obligation of paying dues where there is no prospect of immediate gain. Others again, while favorably inclined toward trade unionism, may be hesitant about affiliation for fear that their standing with their employers may be prejudiced thereby. Still others, though the number of these is probably not large, may be actually hostile to organization. Now, in the case of the first three classes of workmen just mentioned, the policy of education in the general principles of trade unionism and the benefits to be obtained thereby is inadequate if quick and visible results are to be obtained. In order to overcome such difficulties it is necessary that there be presented before these kinds of non-unionists a concrete issue demanding a definite stand by them either for or against the union. Such an issue is drawn by the declaration of a strike.

Once a strike has been declared, it follows that every workman who is not for the union is against it. This does not mean that every man, from the standpoint of good trade unionism, is morally bound to affiliate with the organization conducting the strike. If the policy of the union is unworthy of support, or if the prospects of success are altogether hopeless, he may be quite justified in being against that particular union in that particular strike. Therefore the problem of organizing does not reduce itself to such a simple formula as the mere calling of a strike. A handful of union men in a large factory cannot always effect organization therein by the easy device of declaring a strike, quitting work, and expecting several hundred non-

union fellow-workmen to follow them. The calling of a strike by some half dozen malcontents or over-enthusiastic unionists in a plant where conditions are already satisfactory to the great majority of the workers would be fool-hardy. Equally futile would be the calling by a small poverty stricken union, unsupported by other unions, of a strike against, for instance, one of the plants of the United States Steel Corporation. But if there is real discontent among the workers, if this is capable of formulation into a concrete and definite statement of grievances, and if there is a reasonable prospect of success in obtaining all or a part of the demands made, the calling of a strike, since it compels the taking of a positive stand either for or against the union, may well be the means of converting indifference into personal interest and lethargy into active participation.

Under such circumstances, the indifferent non-union man, dissatisfied with present conditions, and seeing an opportunity for definite and immediate improvements in these conditions, and confronted, moreover, in case he continues at work, with the prospect of ostracism on the part of the great mass of his fellow-employees, will probably prefer to throw in his lot with the strikers and affiliate with the union. Thus under the stimulus provided by a concrete issue and under the influence of a sort of mob psychology, there is brought about at a stroke what months of mere agitation and persuasion might seek vainly to accomplish.

It is probably true that in all unions the strike has at some time or other served as a means of increasing membership, and in certain unions it has been regularly employed as an organizing device. Some examples will serve to illustrate how the strike has been useful as a means of bringing workmen into the union.

Early in the year 1887 a Carpenters' Council was formed in Chicago, which was made up of the various unions and assemblies of the Knights of Labor composed of carpenters. When the council was organized, only about twenty-five per cent of the carpenters in the city were union men.

Wages ranged from seventeen to twenty-five cents an hour. The workday was never less than ten hours and sometimes twelve or more. The council determined to ask for an eight-hour day and a minimum scale of thirty-five cents an hour. The boss carpenters refused to grant the request, and the council ordered a strike of all the carpenters in the city. It is asserted that more than ninety per cent of the working carpenters in the city, union and non-union, laid down their tools and walked out. The initiation fee of the union was reduced to one dollar, and non-union strikers "fell over each other clambering into the organization." At the end of two weeks, it is stated, a complete victory for the strikers had been achieved, and the trade in the city was organized as never before.<sup>61</sup>

Among the textile workers we find a fair number of instances where the conditions existing and the state of mind engendered during a strike have been taken advantage of by the union as an opportune time for effecting organization. In July, 1907, there occurred a strike of some four or five thousand silk workers in Scranton, Pennsylvania. All of the strikers were girls, some of them very young, and there was little organization. The United Textile Workers sent to the scene an organizer, who reported that he succeeded in organizing nineteen local unions.<sup>62</sup> In 1912 occurred the big strike of the textile workers in Lawrence. The secretary of the United Textile Workers declared that the publicity given to this strike was the means by which the Textile Workers of the country became aroused, and that it resulted in additions to the ranks of the union that could have been secured in no other way.<sup>63</sup> One of the organizers reported that as a result of this strike four new unions were formed, the reaffiliation of a seceded union was secured, and the organization of a textile council was effected. In 1910 there was a big strike of about six thousand street-railway men in Philadelphia, and with them, it

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<sup>61</sup> Buchanan, pp. 351-354.

<sup>62</sup> Proceedings, 1907, pp. 31, 41, 42.

<sup>63</sup> Proceedings, 1912, p. 21.



is reported, about one hundred thousand other wage earners went out on sympathetic strikes. Among these President Golden estimated that there were from forty-five to fifty thousand textile workers. Public opinion, he said, ran high in favor of the men on strike, and every effort was made to take advantage of the unique situation. Meetings were held in the morning, at noon, and in the evening, and it was no uncommon thing to fill the large meeting hall of the Kensington Labor Lyceum to overflowing with from three to four thousand textile workers, giving, he said, a splendid opportunity to preach the gospel of trade unionism to thousands of wage workers, who never could have been reached except for extraordinary conditions. Some of the existing unions began to build up rapidly, seven new unions were added, and a textile council was formed of unions affiliated with the United Textile Workers.<sup>64</sup>

The affiliation of garment workers with the union has been brought about to a large extent during strikes. In October, 1901, there was a strike of about twenty-five hundred tailors in Boston. It lasted a week, and resulted in an increase of from twelve to fifteen per cent in wages and a shortening of the working-day to nine hours. Secretary White of the United Garment Workers reported that the strike led to the thorough organization of the trade.<sup>65</sup> In August, 1909, a strike occurred in New York City involving some eight thousand coat tailors, most of them in unorganized shops. The local unions of the United Garment Workers took charge of the strike, which lasted for two weeks. At its termination, settlements were made with over two hundred and fifty contractors, and the union secured over five thousand new members.<sup>66</sup> In the latter part of 1910 and the early part of 1911 there took place a great strike among the garment workers in Chicago. The strike began with the firm of Hart, Schaffner, and Marx, and soon

<sup>64</sup> Proceedings, United Textile Workers, 1910, pp. 67-69, Report of President Golden as Organizer.

<sup>65</sup> Report of Secretary White to the eleventh convention, United Garment Workers, in *The Garment Worker*, August, 1902, p. 11.

<sup>66</sup> Report of President Rickert, in Proceedings, 1910, pp. 25, 26.

included practically all their employees, about ten thousand. It also spread to other factories until the total number of people involved amounted to about forty-five thousand. At the beginning of the strike nearly all of these were unorganized, but during the course of the strike great numbers joined the union.<sup>67</sup> The local union of cutters and trimmers reported that its membership increased from one hundred and forty to nineteen hundred.<sup>68</sup> In 1912 the District Council of St. Louis reported the successful termination of a twenty-five months' struggle with the Marx and Haas Clothing Company of that city. The report says: "Before the Marx and Haas victory, our membership in the clothing trade was practically nothing, hardly a quorum could be mustered together at the local meetings, but since this fight has been won, we have added almost a thousand members to our rolls, and the meetings of the locals are well attended and full of life."<sup>69</sup> It has been asserted that very few of the members of the Ladies' Garment Workers' Union have joined except when ready to strike. "Ninety per cent. of our members have joined the organization on the eve of a general strike. The workman joins the union to enable him to strike and make the strike effective."<sup>70</sup>

In the coal-mining industry, likewise, strikes have been the means of bringing many new members into the organization. In 1897, in view of the fact that there was a rising market, a strike to obtain an advance in wages was ordered for July 4. At the time there were less than ten thousand members in the union. The order was obeyed, however, by over one hundred thousand men, and there was a general suspension in Pennsylvania, West Virginia, Ohio, Indiana, and Illinois. A compromise was effected on September 3, on an average advance of twenty per cent.<sup>71</sup> The results of this strike in adding to the membership of the union may be judged from the fact that, while at its inception, as

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<sup>67</sup> Report of President Rickert, in *Proceedings*, 1912, pp. 22-32.

<sup>68</sup> *Proceedings*, 1912, p. 277.

<sup>69</sup> *Ibid.*, p. 336.

<sup>70</sup> *The Ladies' Garment Worker*, February, 1914, p. 19, editorial.

<sup>71</sup> F. J. Warne, *The Coal-Mine Workers*, pp. 217-219.

stated, the membership was less than ten thousand, the average paid-up membership reported for the year 1897 was nearly forty thousand.<sup>72</sup> Another instance in the coal-mining industry is the case of the great anthracite strike in 1902. In December, 1902, the paid-up membership in the three anthracite districts was a little over thirty-two thousand. The year following it was over sixty-two thousand.<sup>73</sup> After this until 1912 the membership of the United Mine Workers in the anthracite fields fluctuated considerably, the men coming into the union when trouble threatened, but dropping out again as soon as an agreement was concluded. At a convention of the anthracite districts held in Pottsville, Pennsylvania, November 3, 1911, the anthracite miners formulated a set of demands. The operators refused to accede, and consequently a suspension of work was ordered, beginning April 1, 1912. President White reported that this suspension order was obeyed unanimously by the mine workers irrespective of whether they were affiliated with the union or not, and that the tie-up in the anthracite mining industry was complete. An agreement with the operators was finally ratified at a tri-district convention on May 14.<sup>74</sup> In December, 1911, before the beginning of the strike, the paid-up membership in the three anthracite districts was 20,398. In December, 1912, after the strike, the paid-up membership in the same districts was 90,517.<sup>75</sup>

It is evident, then, that a strike has frequently been the channel through which has come a large influx of new members into the union. It is true that in many cases this increase in membership is not permanent. That, however, presents a problem in holding the membership of the union intact and will be considered in a later chapter. But as a means of bringing in new members it is clear that the strike may at times prove valuable. The limitations on its use and the positive dangers sometimes accompanying it should,

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<sup>72</sup> Proceedings, United Mine Workers, 1910, p. 116.

<sup>73</sup> Proceedings, 1903, 1904, Reports of the Secretary.

<sup>74</sup> Proceedings, 1914, Report of President White.

<sup>75</sup> Ibid., Report of Secretary William Green.



however, be clearly recognized. If the strike is to be successful as an organizing device, not only must there be no failure of any considerable portion of the workmen to obey the strike order, but there should also be some gain to the men brought about as a result of the strike. For while, as we have seen, successful strike movements have often been the means of building up the membership of a union, on the other hand unsuccessful strikes have frequently resulted in the wrecking or at least weakening of existing organizations. A few important examples will serve to illustrate the truth of this assertion.

We have seen how the United Mine Workers were able upon several occasions to increase their membership as a result of successful strike movements. In 1894, however, during the industrial depression then prevailing, there was an attempt, through the calling of a strike, to prevent a reduction in wages. Although at the time the organization had only about thirteen thousand paid-up members, the strike call was obeyed by nearly one hundred and twenty-five thousand mine workers, and at the end of eight weeks the number was increased to about one hundred and eighty thousand. The settlement at the time was regarded as a compromise, but as a result the union was almost destroyed, emerging from the strike with barely eight thousand members.<sup>76</sup>

The Iron, Steel and Tin Workers likewise provide conspicuous examples of the disorganizing effects of unsuccessful strikes as well as the constructive results of successful ones. In 1889 there was a successful strike against Carnegie, Phipps, and Company at their Homestead plant. In the two years following the union showed a growth from something over sixteen thousand to a little over twenty-four thousand.<sup>77</sup> In 1882, however, there was a strike, lasting four months, for an increase in wages. It was a complete

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<sup>76</sup> Warne, *The Coal-Mine Workers*, pp. 217-219.

<sup>77</sup> Report on Conditions of Employment in the Iron and Steel Industry in the United States, vol. iii, S. Doc. No. 110, 62d Cong., 1st Sess., pp. 114-115.

failure, and as a result the membership fell from sixteen thousand in 1882 to eleven thousand eight hundred in 1883.<sup>78</sup> In 1892 there was another strike against Carnegie Brothers and Company at Homestead. At the end of a five months' struggle the workmen lost all that they had demanded, and there was a decline in the membership of the union from 20,975 in 1892 to 13,613 in 1893.<sup>79</sup>

The experience of the Amalgamated Meat Cutters and Butcher Workmen shows vividly the disastrous results that may follow an unsuccessful strike. During the two or three years previous to 1904 this union had succeeded in building up a strong organization among the workers in the packing houses of Chicago. In that year a demand was made for certain increases in wages and the employees were called out on strike. After being out for ten days the men again reported for work, an agreement having been reached to submit the matter to arbitration. An hour or two later, however, they were again ordered out, it being charged that the packers were guilty of unfair discrimination. The strike then dragged on for a number of weeks, ending in the complete defeat of the strikers.<sup>80</sup> As a result the membership of the union fell from 34,400 in 1904 to 6200 in 1905.<sup>81</sup>

The membership of the Teamsters' Union has suffered frequently as a result of unwise sympathetic strikes. The most noteworthy instance is that of the great strike in Chicago in March, 1905, when the teamsters went out in sympathy with the garment workers. The unions were defeated upon this occasion, and the membership of the Teamsters suffered severely.<sup>82</sup> For the year July 1, 1904, to July 1, 1905, the secretary reported a decrease of nearly ten thousand.<sup>83</sup>

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<sup>78</sup> *Ibid.*, p. 138.

<sup>79</sup> *Ibid.*, pp. 115, 116.

<sup>80</sup> Report of Immigration Commission, Vol. 13, Part II, S. Doc. No. 633, 61st Cong., 3d Sess., pp. 90-93. See also Amalgamated Meat Cutters and Butcher Workmen, Proceedings, 1906, p. 12.

<sup>81</sup> As reported to the American Federation of Labor. See Proceedings, 1911, p. 87.

<sup>82</sup> Proceedings, 1905, Report of President Shea, p. 18.

<sup>83</sup> *Ibid.*, Report of Secretary-treasurer Turley.

These examples, exhibiting both the favorable and the unfavorable results of strike movements, lead to the conclusion that their advisability as an organizing device depends wholly upon circumstances. This aspect of the matter was clearly brought out by Mr. Mitchell in a discussion at the convention of the United Mine Workers in 1907. Vice-President Lewis in his report at this convention condemned the policy which had been pursued in 1906 after the failure of the union to reach an interstate agreement with the operators in the Central Competitive Field such as had been concluded for several years previous. The policy referred to was that of making agreements with the operators in sections, instead of waiting until a single agreement with all the operators in that field could be concluded. Mr. Lewis thought that upon this occasion there should have been a national strike movement, and that this would have been the means of organizing Central Pennsylvania, the Irwin and Connellsville districts of Pennsylvania, and West Virginia, Alabama, and Colorado.<sup>84</sup> He pointed to the successful results of other national strikes, such as those of 1897 and 1902, which have been described, and declared, "When we organize West Virginia, when we organize the unorganized sections of Pennsylvania, we will organize them by a strike movement."<sup>85</sup> In reply, President Mitchell called attention to the fact that there was a decided falling off in the membership of the organization after the strike of 1894, and asserted that no one definite policy could be pursued by a labor organization under all circumstances, and that under the circumstances prevailing at the time of the settlement—in the most important districts of the Central Competitive Field the miners were rent in factions—the wisest course was pursued, that is, the making of sectional agreements.<sup>86</sup> He said that he had repeatedly stated that, in his opinion, West Virginia, the Irwin field, the Connellsville coke region, Southern Colorado, and the Georges Creek district

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<sup>84</sup> Proceedings, 1907, pp. 59, 60.

<sup>85</sup> *Ibid.*, p. 282.

<sup>86</sup> *Ibid.*, pp. 276, 277.



would not be thoroughly organized except as the result of a successful strike, and continued: "I repeat that opinion now; but I want to add to it that they will not be organized at all, strike or no strike, unless we are able to support the men in those fields from the first day they lay down their tools. One year ago that was a consideration with me. I didn't believe they would have struck then, I don't believe it now, and if they had struck you would have had no money to support them and no resources from which to draw revenue, because when the union men were on strike you had cut off the only source of revenue."<sup>87</sup>

In the case of some non-unionists the personal persuasion of enthusiastic unionist fellow-workmen, the efforts of paid business agents, the stirring appeals of regular organizers, the arguments presented in trade-union literature, and perhaps the psychological state engendered during a strike may all be insufficient to lead to an actual affiliation with the union. As a means of bringing such workmen into the organization unions make use of the devices of the closed shop, the boycott, and the union label.<sup>88</sup>

A closed shop, as generally understood in trade-union discussion, may be defined as a shop in which only members of the union claiming jurisdiction are allowed to retain employment. There are, however, two aspects of the closed shop as employed by trade unions. On the one hand, it may mean simply that in certain shops designated as closed no non-union workmen may be employed. On the other hand, the closed-shop rule as enforced by some unions may require in addition that union members refuse to work in all shops where non-unionists are employed. The utility of the simpler form of the closed-shop device as a means of bringing new members into the union is not open to question. A hypothetical case will make this clear. A union has succeeded by means of education and personal appeal in enrolling in the organization seventy-five per cent of the workers in a certain shop. The other twenty-five per cent, however,

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<sup>87</sup> Proceedings, 1907, p. 310.

<sup>88</sup> For other uses of these devices see Chapters II and III.

are not immediately amenable to these influences and do not affiliate. Now if the union, either through threat of a strike or through peaceful persuasion, is able to induce the employer to agree that he will employ only union men, it is evident that the strongest possible incentive—the fear of losing their jobs—is provided for causing the affiliation of the unorganized twenty-five per cent. As a matter of fact such a procedure is the method ordinarily employed in unionizing a shop.<sup>89</sup>

When the implication of the closed shop is extended, however, so as to require the refusal of unionists to work in any shop where non-unionists are employed, the utility of the device as a means of extending organization is open to question. The explanation of this has been clearly set forth by Professor Barnett:

If a local union controls a large part of the labor supply, the influence of the closed shop rule as a means of increasing the membership may be very considerable. If, for example, in a community where 500 printers are employed, 400 are members of the union, both the non-unionist workmen and their employers will be at a distinct disadvantage. A non-unionist workman, if he can earn the minimum rate, will be eager to secure access to the wider opportunities for employment which the unionist possesses. The non-union employer under such circumstances cannot discharge his workmen and thus reduce expenses so readily in times when business is slack as he otherwise would, for he cannot easily replace his employees from his restricted labor market. At times, for the same reason, he must go outside his home labor market, at expense and inconvenience, to supply himself with printers. But just as the closed shop rule is a powerful instrument for unionizing offices and recruiting members when the union is strong and controls a great part of the labor supply, so it is a hindrance when the union is weak. The unionist and the employer of unionists suffer in this case under the same disadvantage of a restricted labor market as non-unionists and the non-union employer do when the union is strong.<sup>90</sup>

It is evident, then, that the closed-shop rule as applied in the narrower sense, that is, the closing of certain designated shops to non-unionists, is a valuable organizing device for all unions; while the closed-shop rule in its wider sense,

<sup>89</sup> F. T. Stockton, "The Closed Shop in American Trade Unions," in Johns Hopkins University Studies, ser. xxix, no. 3, p. 126.

<sup>90</sup> G. E. Barnett, "The Printers: A Study in American Trade Unionism," in American Economic Association Quarterly, third series, vol. x, no. 3, pp. 290-291.

that is, the requirement that unionists refrain from working with non-unionists in any shop, is useful or detrimental as a means of extending organization according as the union is comparatively strong or weak in the locality where the attempt to apply the rule is made. Consequently we find that while the closed-shop rule in the former sense is applied—with certain notable exceptions,<sup>91</sup> it is true—by practically all unions whenever possible, in the latter sense it is applied only by unions that have their trades comparatively well organized;<sup>92</sup> even in such unions the rule is often relaxed, and under certain conditions members are allowed to work for non-union employers.<sup>93</sup>

Since the closed shop is useful in inducing unorganized workers to join the union only under the circumstances just described, a different device is sometimes found necessary when other methods of organizing have proved ineffective. Such a device is found in the boycott. Thus a recent writer upon the boycott states that "the argument often advanced by the carpenters to justify their boycott of non-union trim is that the women and children working in the wood mills cannot, because of their ignorance and indifference, be organized into effective labor organizations that could be expected to strike for improved working conditions and higher wages."<sup>94</sup> This device does not act directly upon the worker, but indirectly through the employer. The latter finds his sales reduced as a result of the boycott. Unless he possesses sufficient resources to enable him to stand this loss of business and to fight the union in the courts, he will prefer to unionize his factory and thus restore the market for his goods. In this way the Carpenters by refusing to

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<sup>91</sup> The most important exceptions are the four railroad brotherhoods, the Engineers, the Firemen, the Conductors, and the Trainmen. Other unions not making use of the closed shop are the Railroad Telegraphers, the Maintenance of Way Employees, the Switchmen, the Car Workers, the Masters, Mates and Pilots, the Post Office Clerks, the Letter Carriers, the Steel Plate Transferers, and the Stationary Engineers (Stockton, p. 31).

<sup>92</sup> *Ibid.*, p. 128.

<sup>93</sup> *Ibid.*, pp. 32, 152.

<sup>94</sup> L. Wolman, "The Boycott in American Trade Unions," in Johns Hopkins University Studies, ser. xxxiv, no. 1, p. 21.



work on non-union trim have found the boycott a most powerful instrument for organizing the mill workers of New York State. "By 1908, twelve years after the inception of the boycott, 189 of the 230 woodworking mills in New York City had been organized, and in 1910 Vice-President Quinn reported the organization of 40 more."<sup>95</sup>

Very similar to the boycott as a device for bringing about the organization of groups of workers otherwise hard to reach is the union label, which likewise acts upon the employer and indirectly through him upon the employee. The only difference is that in this case, instead of requesting that all unionists and union sympathizers refuse to purchase the products of certain specified "unfair" employers, the labor organization urges that only those goods be purchased which bear a union label as a guarantee of the fact that they are the product of organized labor. Probably the most conspicuous example of the efficacy of this device is to be found in the United Garment Workers. At the convention of 1900 a delegate from Brattleboro, Vermont, presented a report in the following terms: "A little less than a year ago the firm, having a demand for union-made garments, presented to the employees the importance of becoming organized. As the result a meeting was called October 7, 1899, for the purpose of instituting a local union."<sup>96</sup> The label has been especially important in furthering the organization of the overall workers. Overalls are largely used by wage-earners, especially in the building trades, which are among the best organized of industries, and consequently failure to use the label might result in a considerable restriction of the market for the goods of non-union manufacturers. The label was first adopted by two large firms whose success led other firms to adopt it until it was eventually taken up by almost all the firms in the overalls industry. Andrews and Bliss in their "History of Women in Trade Unions" state that in many cases unions have been formed on the initiative of the employer, who wished to use the label

<sup>95</sup> Wolman, *The Boycott in American Trade Unions*, pp. 50-51.

<sup>96</sup> Report of the Industrial Commission, 1901, vol. xvii, p. 63.

and therefore induced, or perhaps compelled, his employees to organize.<sup>97</sup> In 1903 Secretary White gave warning that this manner of organizing might be carried too far, and that there was danger lest the label create a sort of unionism that depends upon the employer's profiting by the union, rather than unionism based upon the independent action of wage earners who appreciate the advantages of united effort.<sup>98</sup>

To summarize, it may be said that the coming together of workingmen to form labor organizations is not altogether spontaneous, but that, generally speaking, outside stimulus and leadership are necessary. With the development of national unions and the employment of regular organizers, agencies have been provided whereby these factors are supplied for particular trades. Moreover, with the rise of the American Federation of Labor it has been possible to extend the operations of systematic organizing so as to promote and foster organization in occupations hitherto totally unorganized and to assist unions that are too weak to support adequate organizing policies of their own. The systemization of organizing activities is still further displayed in the joint organizing campaigns carried on by the unions connected with some of the departments of the American Federation of Labor and in the labor forward movements which in the last three or four years have been conducted in various cities. Although it is true that, after the establishment of a local union, its growth or decline is largely dependent upon the activity, enthusiasm, and good judgment of its unpaid officers and individual members, nevertheless, even here the tendency is for the local union, whenever able, to provide special paid officers, one of whose functions is to bring into the union the unorganized persons in the craft; in order to carry out this policy, the local union is sometimes subsidized by its national body. It has been shown that frequently the most expeditious method of supplying the

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<sup>97</sup> S. Doc. No. 645, 61st Cong., 2d Sess., pp. 168-169.

<sup>98</sup> Proceedings, United Garment Workers, 1903, p. 16, in *The Garment Worker*, August, 1903.

requisite stimulus for organization is by calling a strike or taking advantage of the spontaneous outbreak of one, and that in this way the affiliation of large numbers of previously unorganized workers has been secured. Finally, in case the methods of education and peaceful persuasion seem hopeless or too dilatory for bringing into the union certain classes of workers, there remain for the union several devices—the closed shop, the boycott, and the union label—through the use of which at times membership in the union is practically made compulsory.



## CHAPTER II

### OVERCOMING EMPLOYER'S OPPOSITION

Probably the greatest obstacle to the organization of labor, however, is not the ignorance or indifference of the workmen themselves, but the opposition of employers. It is clear that if an employer is hostile to the organization of his working force and threatens the discharge of any employee joining a union, the very existence of the union must be kept secret, at least until a considerable membership has been recruited, and during this time nothing can be accomplished in the way of improving conditions. Obviously, organization cannot proceed far under such circumstances. Moreover, the greater the power of a union to force from an employer compliance with its demands, the stronger is the claim which it can make for increased and more loyal membership. Men would not continue to pay dues to an organization from which no visible results were forthcoming. As a means of combatting this opposition of the employer, unions make use of many means of pressure, the most important of which are the strike, the sympathetic strike, the boycott, the union label, the closed shop, and the entrance into competition with the employer. Each of these forms of pressure will now be considered.

*The Strike.*—The strike is at once the most widely used and the most fundamental means of pressure employed by unions. It might almost be said to be the characteristic feature of trade unionism. The strike as a means of reaching the ignorant or arousing the indifferent non-unionist has already been discussed. Concerning its general utility as a method of overcoming the opposition of employers no comment is necessary. This is a matter of common knowledge, and is amply evidenced by its constant and widespread use

and its frequently successful conclusion. The strike is of course used for the enforcement of all the demands which a union has to make upon an employer, such as those for an increase of wages or a shortening of hours, as well as for purposes of organizing, such as the prevention of discrimination against unionists, the compelling of recognition of the union, or the enforcement of the closed shop. But, inasmuch as the success and prosperous existence of a union depend largely upon its ability to enforce its demands, and its ability to enforce these demands is to a great extent dependent upon its capacity for carrying a strike to a satisfactory conclusion, a discussion of the conditions under which a strike can be most successfully conducted becomes pertinent to our inquiry concerning the organizability of labor.

A number of factors, of course, affect the success of unions in conducting strikes. Thus there is, as far as the union is concerned, the matter of the management of the union and of its financial strength; and, as far as the employer is concerned, leaving out of account the personal factor of his own obduracy, there is the question of his ability to have his work performed at some other plant than the one which has been struck (as in the case of trusts), or the ease with which he can find other workers to take the places of the strikers. Finally, there is the matter of public opinion affecting both employer and union. However, since these factors are all discussed in other connections, it is necessary only to mention them here. One other important factor, however, which is not considered elsewhere, deserves attention at this place, namely, the necessity under which the employer labors of coming to a quick settlement with his workmen.

If the continuance of a strike is more or less a matter of indifference to the employer, the prospects of its success are small. If an employer is hostile to the union, the force which brings him to a settlement with the union is either fear of loss or the pressure of public opinion. Therefore the better a union is situated in regard to its ability to bring

these forces to bear upon the employer in obtaining its demands, the greater are its opportunities for overcoming those obstacles to organization which we have summed up in the phrase, the opposition of the employer. It is for this reason that a union will generally endeavor to strike during the busy season, so that the employer's fear of loss of business will make him more amenable to the pressure of the union. Similarly, it is for this reason that there are more successful strikes during periods of prosperity, when business is booming and profits are large, than during periods of depression, when the stoppage of the employer's plant may mean little loss or even some gain to him. This point will be discussed later in more detail.

From the statistics of strikes in the United States from 1881 to 1905 it appears that there are certain industries in which it is particularly necessary for employers to make a quick settlement with strikers. In the table below are shown those industries in which forty per cent or more of the strikes were successful<sup>1</sup> and in which the average time each establishment was closed was fifteen days or less.

TABLE I  
SUCCESS AND DURATION OF STRIKES IN SELECTED INDUSTRIES  
1881-1905

Industry	Per cent of establishments in which strike succeeded <sup>3</sup>	Average days closed per establishment <sup>4</sup>
Bakery .....	61.44	4.7
Blacksmithing and horseshoeing .....	86.74	3.1
Building trades .....	52.47	14.5
Clothing, men's .....	75.51	11.4
Clothing, women's .....	66.37	10.3
Furnishing goods, men's .....	75.34	14.3
Hats and caps .....	44.00	9.0
Printing and publishing .....	45.01	6.8
Street railway transportation .....	41.13	3.7
Tin and sheet metal goods .....	50.61	13.8

<sup>1</sup> The unsuccessful strikes were not considered, because in such cases the short duration of the strike was due to the weakness rather than to the strength of the union.

<sup>2</sup> Certain industries in which the total number of strikes was very small are not included in this table.

<sup>3</sup> Twenty-first Annual Report of the Commissioner of Labor, 1906, pp. 81-82.

<sup>4</sup> Ibid., pp. 49-50.



It will be noticed that four of these industries—baking, blacksmithing and horseshoeing, printing and publishing, and street-railway transportation—furnish services or commodities which must be supplied to consumers regularly at very short intervals,—daily, for instance, in the case of bread, newspapers, and street-railway transportation. Obviously the demands of customers compel employers in such industries to see to it that their establishments are opened up as quickly as possible. In four more of the industries—men's clothing, women's clothing, men's furnishing goods, and hats and caps—there occur each year or season a few weeks of great rush, when employers are particularly anxious to keep their factories going; and the workmen, by taking advantage of this fact and striking at such periods, are often able to obtain quick concessions. In the building industry there are several reasons which make employers anxious to keep their work going. In the first place, it is frequently the case that a bonus is offered if the work is completed within a certain minimum time. On the other hand, "nearly all general contractors and many sub-contractors are required by their agreements to have their work finished within a specified time under penalty of a fine for each day beyond this time."<sup>5</sup> It is true that most contracts stipulate that this provision shall not apply in case of delays on account of labor disputes; but it is probable that a contractor would not want to be behind the specified time too often for fear lest this fact might militate against him in the awarding of future contracts. Moreover, as the writer quoted above has pointed out,<sup>6</sup> contractors frequently have large amounts of capital tied up in wages and materials and therefore every delay on a partially completed building represents considerable cost for interest. Finally, "since the profitableness of the business does not depend upon a single contract but upon many of them, the speed with which each building operation is finished and another

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<sup>5</sup> N. R. Whitney, "Jurisdiction in American Building-Trades Unions," in Johns Hopkins University Studies, ser. xxxii, no. 1, p. 138.

<sup>6</sup> Ibid.

begun, or, in other words, the rapidity of the 'turn over,' is a very important element in the builder's economy."<sup>7</sup>

In contrast to the above, establishments in certain other industries are apparently able to stand a rather lengthy shut-down of their plants. Thus the average number of days closed per establishment was thirty or more in the following industries among others: coal and coke, cotton and woolen goods, cotton goods, glass, gloves and mittens, iron and steel, ore mining, pottery, smelting and refining, and stoves and furnaces. It would seem that in those industries where the employer can keep on hand a certain amount of stock, as is sometimes done, for example, in the coal and glass industries, or where the commodity or service does not need to be supplied at very frequent intervals, or where there is no short season of very great rush of which employees might take advantage for the purpose of striking—in such industries the workmen are at a disadvantage in trying to force the employer to a quick settlement.

It is evident that the duration of strikes is not an all-important factor in determining the success of trade unionism in any particular trade or industry, since the coal, glass, and pottery industries, included in the latter group, are among the best organized industries in the country. It is even possible that, if the necessity of financing long strikes leads to the accumulation of a considerable reserve fund, the increased discipline and conservatism resulting therefrom may actually benefit organization. In those industries, however, where, on account of the poor pay, low intelligence, or shifting character of the employees, it becomes impossible or extremely difficult to provide adequate finances for a long strike, it is highly probable that organization is hindered if the employer cannot be brought quickly to terms. Doubtless one of the reasons for the greater success of trade unionism in the garment industry than in the textile industry—both of which are very weak financially and employ great numbers of women and only slightly skilled workers, ordinarily difficult to organize—is the fact that in the for-

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<sup>7</sup> Whitney, p. 138.

mer, concessions can be obtained from employers with much more speed and much less sacrifice than in the latter. This matter of the duration of strikes is also of great importance in connection with the facility with which the sympathetic strike can be successfully employed as a trade-union device, and will be discussed in the consideration of that subject.

*The Sympathetic Strike.*—Sometimes a weakness in an individual union, conducting a strike alone, may be overcome if joint action with another union can be secured; or, at any rate, the power of a number of unions acting together may prove far more effectual than that of a single union acting alone. If the individual union on strike is poorly organized, it may be possible for the employer to supply easily the places of the strikers, with little or no interruption to his business. But if other classes of workmen, employed by the same firm, happen to be strongly organized, and if the demands of the first union are backed up by the concerted action of these strong organizations, the employer, unable to fill readily the places of the well organized men, may find it advisable to yield to the demands of the weak union. Or even in case the unions involved are of comparatively equal strength, it is easy to see that the difficulties of the employer in keeping his plant in operation are multiplied according to the number of places which he may have to fill. The realization of these advantages for the unions is secured through the sympathetic strike.

The sympathetic strike has been employed sporadically in various industries. Dr. Stockton mentions instances of its use in the printing trades, the glass trades, the waterfront and marine trades, the wall paper trades, and by the musicians, the teamsters, and various other unions, for the assistance of sister organizations.<sup>8</sup> Its most systematic and successful use, however, is to be found among the building trades. The employment of sympathetic strikes in this industry has been promoted by the formation of leagues or

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<sup>8</sup> Stockton, pp. 107-122.



councils among the numerous trades engaged in the industry. Local councils were at first formed in many cities. In 1897 a national body, known as the National Building Trades Council, was organized. This was superseded in importance in 1904 by the Structural Building Trades Alliance, which in 1908 gave way to the Building Trades Department of the American Federation of Labor. It is unnecessary for our purposes to go into the differences in the structure of these various organizations. Suffice it to say that they all had as one of their objects the formation of local building trades councils and the promotion of united action by the unions in the building industry. As employed by these councils the sympathetic strike has proved a powerful weapon for the unions. Professor Commons declares that, with the employers unorganized, the sympathetic strike as used by the United Board of Building Trades of New York City (formed in March, 1902) was irresistible.<sup>9</sup> The Industrial Commission reported that both employers and employees agreed that the sympathetic strike had been a powerful influence in unionizing the building trades of Chicago.<sup>10</sup>

An example from this industry will illustrate the effectiveness of a sympathetic strike in breaking the opposition of an employer. In 1913 the contract for the cutting of stone on the new Field-Columbian Museum of Chicago was awarded to the Norcross Brothers Company, a firm which did not employ members of the Journeymen Stone Cutters' Association. The job, it was known, would give employment to two or three hundred stone cutters for at least three years, and it was desired to get this work for members of the union. The general contractor for the building was the Thompson-Starrett Company, by whom the stone work had been subcontracted to the Norcross Company. The latter firm declared that it would have no difficulty in setting the stone; and efforts on the part of the Building Trades Department to get the general contractors to compel the employment of union stone cutters met with the response that they did not

<sup>9</sup> J. R. Commons, *Trade Unionism and Labor Problems*, p. 68.

<sup>10</sup> Report of Industrial Commission, vol. viii, p. xxi.

see that they should bother themselves, inasmuch as they were in no trouble. Now it happened that the Thompson-Starrett Company also had the contract for the Continental Commercial National Bank building in Chicago. In order to compel this company to see to it that the work in question was done by union men, a strike was called on the bank building. It lasted for a week or ten days. Then a conference was called, as a result of which the president of the Thompson-Starrett Company stated that he would cease payment to Norcross Brothers until stone cutters satisfactory to the Building Trades Council of Chicago were employed, whereupon work was resumed upon the bank building. Within a short time after this the Norcross Brothers Company entered into an agreement with the Journeymen Stone Cutters' Association that they would employ none but members of that organization on the work in question, and signed a three-year agreement with the local branch of the union.<sup>11</sup>

In recent years provision for joint action has been made by various unions in other industries. In 1908 the Metal Trades Department of the American Federation of Labor was formed, in 1909 the Railroad Employees Department, and in 1912 the Mining Department. In the Metal Trades Department, as in the Building Trades Department, there are branches in different cities made up of the local unions of the various metal trades. The Railroad Employees Department is composed principally<sup>12</sup> of the unions having jurisdiction over the men in railroad shops. Here joint action is provided for through the formation of system federations, that is, federations of unions controlling the workmen in the shops of various railroad systems; for example, the Illinois Central System. At the 1914 convention of the department it was reported that such federations had been established on fifty-four systems. On forty-three of these

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<sup>11</sup> Proceedings, Building Trades Department, 1913, pp. 36, 37.

<sup>12</sup> Provision is made in the constitution (Constitution, 1914, sec. 1) for a transportation section, and for this reason the Railway Clerks and the Switchmen's Union are admitted to the department. This section, however, is as yet of decidedly minor importance.

systems federated agreements with the railroads had been secured; on eleven the unions had not succeeded as yet in securing such agreements.<sup>13</sup> The four railroad brotherhoods have a plan according to which, after the fulfillment of certain stringent conditions, federations may be formed on individual railroad systems by two or more of the brotherhoods. The conditions for the entrance of any brotherhood into a system federation are that two thirds of the members of the organization on the system shall have voted in favor of federation and the chief executive of the organization shall have given his approval.<sup>14</sup> The five trades composing the Allied Printing Trades Association have also under consideration a plan providing for closer affiliation and joint action in case of trouble.<sup>15</sup> In all of these cases the federation has as one of its chief purposes the bringing of the united pressure of all the unions in the industry upon the employer whenever any single union is unable to come to what is considered a fair agreement with him. It is evident that unions are placing increasing emphasis upon the importance of joint action in overcoming the opposition of employers.

The sympathetic strike, however, has by no means proved

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<sup>13</sup> Proceedings, 1914, pp. 57-58. Most of these system federations, however, are not connected with the Railroad Employees Department, which aims to be a federation of federations. At the 1914 convention it was reported that only twelve of the large system federations had affiliated with the department (*ibid.*, p. 126).

<sup>14</sup> Plan of System Federation (as amended June 17, 1914), sec. 2.

<sup>15</sup> See International Photo Engravers' Union, Proceedings, 1914, pp. 39-45. The difficulty which prevents the printing trades from reaching an agreement for the promotion of joint action is the question of finance. The Typographical Union desires the strike benefits of all the trades going out to be paid by that union with which the difficulty originated. The four smaller unions, on the other hand, favor the establishment of a common fund for financing strikes through the payment of an equal per capita tax by the members of all the unions. Such a proposition was endorsed by a conference of representatives of the five international unions in the allied printing trades on January 13, 1914, but was unanimously defeated when brought up before the convention of the Typographical Union for approval. The union, however, endorsed the other plan, and the executive council was instructed to use its best efforts toward the consummation of such an agreement (Report of Officers, 1914, p. 148, Proceedings, 1914, pp. 80, 95).



an unmixed blessing to trade unionism, and it has been roundly denounced by two of our most prominent labor leaders. Mr. John Mitchell said in 1902: "Sympathetic strikes have many adherents, and the efficacy of such methods appeals strongly to those who, being directly involved in trouble, do not always recognize the effect of their action upon the public mind; but the past history of the labor movement teaches lessons that should not be forgotten to-day. As far as my knowledge goes, I do not know of one solitary sympathetic strike of any magnitude which has been successful; on the contrary, the most conspicuous among the sympathetic labor struggles have resulted in ignominious and crushing defeat, not only for the branch of industry originally involved, but also for the divisions participating through sympathy."<sup>16</sup> Likewise Mr. Gompers in 1903, arguing against an industrial form of organization, said that such a system implied the use of sympathetic strikes, and that time and experience had demonstrated that as a general proposition such strikes should be discarded, and that strikes of particular trades or callings had had the largest number of successes with a minimum of defeats.<sup>17</sup> In the face of such expressions of condemnation, how shall we account for the increasing favor in which joint action is coming to be held?

In the first place, it must be admitted that there are dangers in the use of the sympathetic strike. In the building industry it has been constantly invoked by individual unions and building-trades councils in contests concerning jurisdiction, and in this way has served to extend and intensify these destructive struggles.<sup>18</sup> In fact, a recent writer upon jurisdiction in the building-trades unions proposes the abolition of the sympathetic strike in questions of jurisdiction as the most valuable preventive measure against

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<sup>16</sup> Proceedings of Special Convention, United Mine Workers, July, 1902, p. 39.

<sup>17</sup> Proceedings, American Federation of Labor, 1903, p. 19.

<sup>18</sup> "It is because of the use of sympathetic strikes that the evils involved in jurisdictional conflicts are so widespread and costly" (Whitney, p. 12).

disputes over such matters.<sup>19</sup> Then too, the sympathetic strike has frequently led to the breaking of agreements by unions which had themselves no grievance against their employers. This has tended to weaken the confidence of employers in the good faith of unions as contracting parties and has undoubtedly had a detrimental effect upon public opinion. It was probably to this that Mr. Mitchell was referring when he said that those involved in sympathetic strikes do not always recognize the effect of their action upon the public mind.

Finally, in many instances sympathetic strikes have been recklessly engaged in by unions which had no voice concerning the merits of the original controversy. A union has a difficulty with an employer, is unable to reach a settlement, and goes out on strike. Then after the issue has been thus drawn, other unions, which have not been consulted concerning the validity of the demands which led to the rupture, are asked to lend their support in the form of a sympathetic strike. The Teamsters have been probably the most frequent sufferers in this respect. Their work is complementary to that of so many other occupations that their union has been constantly besieged with appeals to go out in sympathy with other unions. Too often in the past the officers of the union have yielded to these appeals, usually with disastrous results. The most important and spectacular case was that of the strike in sympathy with the Garment Workers in Chicago in 1905. Concerning the condition of the union at the close of this strike President Tobin afterwards said: "In 1905 . . . we were practically disrupted, almost penniless, hated by all honest employers, and scorned and despised by even the trade-union movement itself."<sup>20</sup> What made this disaster so great was the fact that the strike was not confined to the clothing establishments, but developed into a general strike involving thou-

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<sup>19</sup> Whitney, p. 174.

<sup>20</sup> Proceedings, 1912, p. 5. In justice to the present management of this union it should be stated that in recent years appeals for sympathetic support have been firmly resisted.

sands of the union teamsters in the city, and thus drawing into the conflict third parties having no connection with the original dispute. It is little wonder that the conclusion of such a strike left the organization in the status above described by a subsequent president.

Probably the most conspicuous labor conflict ever waged in this country was the great Pullman strike of 1894. On account of the business depression then existing, the Pullman Palace Car Company had made a considerable reduction in the wages of its employees. The latter were organized as a branch of the American Railway Union, an organization embracing in its jurisdiction all the workmen employed on railroads and having an estimated membership of at least one hundred and fifty thousand. Believing that they would receive the full support of this organization, the Pullman employees decided to strike. The American Railway Union had advised against a strike at that particular time, but the strike having been declared, determined, nevertheless, to give its support. Members of the union employed on the railroads were forbidden to handle the Pullman cars. The attempt to enforce this decree led to sympathetic strikes on practically all the railroads radiating from Chicago and on some of the affiliated lines, and for a time resulted in a paralysis of transportation. The strike, however, led to disaster for the union. Interference with the transportation of the mails led to the intervention of the federal government.<sup>21</sup> Injunctions were procured, several of the strike leaders were sentenced to prison, and the men failed altogether to procure their demands. After this the American Railway Union rapidly declined in importance.

Now it was doubtless sympathetic strikes of a spectacular sort like this Pullman strike that Mr. Mitchell had in mind when he declared that the most conspicuous among the sympathetic labor struggles had resulted in ignominious and crushing defeat for the unions. In fact, the occasion for his remarks was a proposal that a general strike of all coal

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<sup>21</sup> H. W. Laidler, *Boycotts and the Labor Struggle*, pp. 100-108.



miners be inaugurated for the support of the anthracite miners, then engaged in their great struggle of 1902. Here a general strike would have drawn into the conflict outside employers, namely, the numerous bituminous operators, who had absolutely nothing to do with the attitude of the anthracite operators towards their miners, and many of whom, moreover, were fair to organized labor and had contracts with the miners' union. Mr. Mitchell's foresight discerned clearly that a sympathetic strike of the nature proposed could not but destroy the confidence of the operators in the contractual responsibility of the miners' union, and, with its tying up of the basic industry of our economic life, lead to a powerful condemnation of the organization by public opinion.

Although Mr. Gompers was also quoted as being opposed to sympathetic strikes, he did not mean to say that a sympathetic strike should under no circumstances occur. Under certain conditions he thought it might be not only justifiable but practical and successful, even if only as an emphatic protest against a great injustice or wrong.<sup>22</sup> Just what these conditions were he did not state, but the subsequent development of plans for joint action such as have been outlined above and the experience with dangers such as we have just considered enable us to specify certain safeguards by the observance of which it seems that the perils of sympathetic strikes to organized labor may be minimized and their effectiveness as weapons for fighting the employer enhanced.

First, there should be an established agency by means of which the calling of sympathetic strikes could be regulated and restricted. It should not be left to an individual union to formulate alone the issues of a conflict without consulting the other unions that may afterwards be drawn into the struggle sympathetically. Thus in 1899 President Fox of the Iron Molders' Union reported that the Coremakers complained that the Iron Molders refused to support them by

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<sup>22</sup> Proceedings, American Federation of Labor, 1903, p. 19.

sympathetic strikes when they became involved in disputes with their employers. Mr. Fox declared, however, that the Iron Molders could not afford to have their members involved whenever the members of a kindred trade, upon whom little restraint seemed to be exercised, chose to make demands upon their employers. He thought that the members of the Iron Molders' Union should be consulted before the beginning of the battle. He stated that, with the approval of the executive board, he had always refused to countenance sympathetic strikes without due compliance with law, since otherwise employers would lose faith in the organization as a responsible body with which to enter into an agreement.<sup>23</sup> In September, 1899, the Conference Board of New York and vicinity—a board made up of local unions of molders—was suspended from the Central Federated Union of that city for handling non-union patterns at a time when the pattern makers were upon a strike and for failure to support the latter by a sympathetic strike.<sup>24</sup> The Molders, however, have strict regulations for the control of strikes and have always adhered to the position maintained by President Fox. This attitude would seem to be based upon sound policy. A regulation that a union must obtain the approval of its sister organizations before delivering its ultimatum to the employer must undoubtedly tend to make the union more conservative in its demands. Hasty strikes over trivialities may be prevented, and the calling of the strike, if necessary, may be fixed at a time more opportune for all the unions concerned.

An agency whereby this restriction and regulation of sympathetic strikes can be maintained is provided through the various forms of federation which have just been outlined. In the rules of the Building Trades Department, the Metal Trades Department, and the Railroad Employees Department, in the plan of system federation in force among the four railroad brotherhoods, and in the proposed scheme for closer affiliation among the printing trades are to be

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<sup>23</sup> Proceedings, 1899, p. 14.

<sup>24</sup> Iron Molders' Journal, December, 1899, p. 589.

found regulations, all of which, though differing in details, have for their purpose to prevent the calling of any strike in which sympathetic assistance is expected until the organization through which the difficulty originated has submitted its case for the approval of the other organizations from which it desires support.<sup>25</sup>

In order to avoid spreading the evils resulting from jurisdictional disputes, these federated agreements should also forbid the use of sympathetic strikes in case of such disputes. The Building Trades, the Metal Trades, and the Railroad Employees Department of the American Federation of Labor, all have rules to facilitate the peaceful settlement of jurisdictional disputes. These departments, however, have not been able to eliminate conflicts, especially in the building trades, where the sympathetic strike is frequently resorted to in order to establish claims to jurisdiction, the result often being the formation of rival councils. But because a weapon is sometimes used for wrong purposes is no reason why it need be abolished entirely.

Secondly, sympathetic strikes should be so regulated that they will not necessitate any violation of agreements by the unions participating in them. We have seen how President Fox of the Iron Molders' Union and President Mitchell of the United Mine Workers strongly opposed sympathetic strikes where such a violation was involved, inasmuch as they thought that the reliability of unions as contracting parties would be impaired thereby. Two methods have been pursued in order to obviate this difficulty. One method has been to provide in the agreement with the employer that a sympathetic strike shall not constitute a violation of its terms. This is the plan which has been

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<sup>25</sup> The details of these regulations are to be found in the following: Constitution and By-Laws to Govern Local Councils, Building Trades Department, 1914, secs. 33, 34; Constitution, Metal Trades Department, 1914, art. x; Constitution, Railroad Employees Department, 1914, sec. 8; Constitution, Subordinate System Federation, 1914, sec. 17; Plan of System Federation (for the railroad brotherhoods) as amended June 17, 1914, sec. 3; Proposed Agreement among the Allied Printing Trades, art. iii, sec. 2, in Proceedings, Photo Engravers' Union, 1914, p. 41.



generally pursued in the building trades, and the rules of the Building Trades Department provide that no local council shall enter into an agreement with a contractors' or employers' association that forbids the sympathetic strike.<sup>26</sup> Similarly the proposed agreement of 1914 among the printing trades contained a section which provided that all contracts negotiated in the future by local unions should contain a clause stipulating that these contracts should be null and void in case of difficulty with any other local union, provided arbitration of the difficulty was refused by the employer, or in certain other contingencies.<sup>27</sup>

The other method of avoiding a violation of agreements is to have all the contracts of the unions desiring to render each other sympathetic assistance come to an end simultaneously. The United Brewery Workmen furnish a good example of this plan. Here, it is true, we are dealing with an industrial union, but for our present purposes exactly the same principle is involved as in the schemes for joint action which we have been considering. All workmen in breweries are members of the one organization, but separate local unions are formed for various divisions of the industry. There are, for example, local unions of teamsters, brewers, bottlers, engineers, firemen, and so on, each meeting separately and transacting all business pertaining to its respective craft. United action by the various local unions is secured through a joint local executive board containing representatives of the different crafts and thus corresponding to the local building-trades or metal-trades councils. Each craft has its own separate contract with the employer; but all contracts must be submitted to the firm through the joint local executive board. Now all these contracts must expire at the same time, and the rejection of one by an employer means the rejection of all.<sup>28</sup> Thus pro-

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<sup>26</sup> Constitution and By-Laws to Govern Local Councils, 1913, sec. 3.

<sup>27</sup> Proposed Agreement among the Allied Printing Trades, art. v, in Proceedings, International Photo Engravers' Union, 1914, p. 42.

<sup>28</sup> Letter from the Joint Local Executive Board of the United Brewery Workmen of Columbus, O., in the Iron Molders' Journal, June, 1907, p. 478.

vision is made for bringing to bear upon the employer the united pressure of all his employees without the danger of a violation of contract on the part of any. A similar method of preventing a violation of contracts because of joint action can be found in other unions of a more or less industrial type. In system federations, where federated agreements are made for all the unions at one time, the same practice prevails. The Metal Trades Department of the American Federation of Labor is also aiming to put into practice such a plan, the constitution providing that it shall be the policy of all organizations affiliated with local metal-trades councils to have local agreements with employers terminate upon the same date.<sup>29</sup>

Of the two policies, the latter, it would seem, is the one toward which unions seeking joint action should strive. The insertion in the agreement of the union with the employer of a clause declaring that a sympathetic strike shall not constitute a violation of the agreement may save the face of the union, in case such a strike occurs, but will do little to lessen the irritation of an employer because of the uncertainty of the contract and the frequent interruptions to business. A writer on the Chicago building-trades dispute of 1900 gives, as one of the reasons why the employers wished to break the building-trades council of that city, their desire to eliminate the sympathetic strike, since there was no certainty that an agreement made with an individual union, though for a specific period, would not be broken at any time.<sup>30</sup>

In the building industry, however, it will probably be more difficult to bring about this arrangement than in an industry like that of brewing. In the former, the various classes of workmen do not make their contracts with a single employer, as is the case in the latter, but most of them form their agreements with various subcontractors, there being thus a different employer for each craft, although

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<sup>29</sup> Constitution, 1914, art. x, sec. 4.

<sup>30</sup> E. L. Bogart, "The Chicago Building Trades Dispute," in *Commons, Trade Unionism and Labor Problems*, p. 112.

all crafts work upon the same building. Since there would seldom be the same set of subcontractors on different buildings, it would be practically impossible to make provision for the simultaneous termination of all of the contracts on a building, unless all of the building-trades agreements within the territory in which the subcontractors did their work were made to end at the same time. Some unions, however, would be at a disadvantage if all agreements were formed at the same time. As was stated before, unions endeavor to form their agreements during the busiest season, since they are then in a more advantageous position for obtaining favorable terms. But, inasmuch as the construction of a building involves many successive operations, some of which come far in advance of others—the bricklaying and masonry work, for example, being among the first and the painting among the last—the busy seasons of the several building crafts do not altogether coincide, and consequently it may be advantageous for one union to make its demands considerably in advance of another.

Thirdly, in case the strike is a lengthy one, it is essential that all of the unions participating therein should be capable of supporting their members to the conclusion. A strong union, capable of paying its members strike benefits for a considerable period of time, is not willing that its men should be called out in support of some weak organization, which after two or three weeks fails to supply adequate benefits to its members; these, by gradually returning to work, leave the stronger organization to carry on alone a struggle in which it had originally no direct interest. President Valentine of the Molders gave this as one of the reasons for the failure of the joint movement of the metal trades in Los Angeles in 1910 and 1911.<sup>81</sup>

From the foregoing consideration it follows that the value of the sympathetic strike as an instrument in industrial warfare is largely affected by the average duration of strikes in the industry in which it is to be used, since in a short strike

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<sup>81</sup> Proceedings, Molders, 1912, pp. 9-11.



the financial strength of the union is a less important factor in determining the success of the strike than where the men must remain out for a long time. In this respect the building-trades unions possess a distinct advantage over the metal-trades unions. The editor of the *Molders' Journal*, commenting in 1908 upon the prospects of the newly formed Metal Trades Department, asserted that time would be necessary to demonstrate its usefulness since the application of federated effort had so far been confined to the building trades, where conditions differed materially from those in manufacturing industries. He called attention, among other things, to the fact that in the building industry strikes are usually settled within a few weeks and in a large number of cases do not call for the payment of strike benefits. In contrast with this he pointed out that in manufacturing industries strikes often last for months, the payment of strike benefits frequently runs up into hundreds of thousands of dollars, and the workmen of one State are continually competing with those of another.<sup>32</sup> The Metal Trades Department has carried on a campaign of education to induce the financially weak organizations in the department to raise their dues and per capita taxes so as to be able to pay strike benefits commensurate with those paid by the strong organizations. The secretary of the department declared that, until this was accomplished, only such steps for improved conditions should be taken as would not involve trade

<sup>32</sup> *International Molders' Journal*, March, 1908, pp. 198-200. The statistics of strikes in the United States from 1881 to 1905 show that the average duration of strikes per establishment was 22.9 days in the building trades and 40.8 days in foundries and machine shops. The average number of days closed per establishment was 14.5 and 21.7 respectively. The actual difference in average duration of strikes was probably greater, however, than these figures indicate. This is due to the fact that the statistics do not include strikes which lasted less than a single day. From 1901 to 1905 the Bureau of Labor collected such statistics. The figures, which are admittedly incomplete, show that of the 641 strikes of less than one day, 50.55 per cent were in the building trades. On the other hand, only 26.02 per cent of the longer strikes were in the building trades (*Twenty-first Annual Report of the Commissioner of Labor*, 1906, pp. 47, 103, 24).

organizations generally. He admitted that progress was slow, but thought that they could well afford to be patient and move cautiously for the present.

If all of these restrictions were properly observed, the sympathetic strike would correspond closely to the method of joint action pursued in an industrial union like the Brewery Workmen. The system of negotiating agreements used by this organization has already been described. It will be noticed that under this plan the requirement is observed that one craft submit its demands to the other crafts for approval before the declaration of a strike; also that the agreements terminate simultaneously so as to prevent a breaking of contracts and in this way lessen the irritation of the employer; and that adequate financial support for all is provided by the national union in case of a strike. Most of the unions in the federations which we have been discussing are probably opposed to industrial unionism; but it seems that the advantages of craft autonomy might be retained and at the same time provision made for effective joint action under a system of what might be called industrial federation, such as that provided for in the Building Trades Department, the Metal Trades Department, the system federations on the railroads, and the proposed closer alliance in the printing trades.

To conclude our discussion of the sympathetic strike, then, we may say that, although it has at times been accompanied by disastrous consequences, nevertheless, if properly restricted and regulated in the manner above set forth, it may be the means of enhancing considerably the strategic strength of the laborers in any contest with their employers, and, as has been the case in the building trades, may prove a valuable method of extending organization, especially for the weaker unions.

*The Boycott.*—Next to the strike, the boycott has been the most effective device employed by the unions in overcoming the opposition of the employer. The utility of the boycott as a means of overcoming the ignorance or indiffer-

ence of the laborers themselves has already been considered. It is impossible, however, to draw any hard and fast line between boycotts levied for this purpose and boycotts to overcome the opposition of the employer. Sometimes one motive may predominate and sometimes the other, but generally there will be a combination of the two. Consequently the remarks which are to follow may be taken to apply to all boycotts without any attempt to differentiate as to their purpose.

The boycott is a common instrument of warfare among American trade unions. The successful results achieved by its use in bringing about the organization of the mill workers have already been noted. In several other industries also organization can be traced largely to the use of this device. Thus the historian of the Brewery Workmen writes: "The boycott has played a most important part in the history of the brewery workers' movement in America, more important perhaps than in that of any other trade. The ten-year boycott against the New York 'Pool Beer,' which was decided chiefly by the attitude of the New England workingmen; the boycott against St. Louis beer, which ended favorably for the brewery workers on account of the strong support of the Knights of Labor in the South,—in short, every one of the greatest struggles of the brewery workers was decided by the boycott, which proved the strongest weapon in the hands of the workingmen in these conflicts."<sup>33</sup> Largely through the use of this instrument the brewing industry has come to be the most strongly organized industry in the country. Likewise it has been said of the hatters that "in a campaign of organization which lasted perhaps less than a decade and in which the boycott played a prominent part, the Hatters' Union succeeded in organizing one hundred and sixty-six of the one hundred and seventy-eight fur hat manufacturers of the country."<sup>34</sup> Probably the best testimony to the efficacy of the boycott as a

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<sup>33</sup> H. Schlüter, *The Brewing Industry and the Brewery Workers' Movement in America*, p. 238.

<sup>34</sup> Wolman, *The Boycott in American Trade Unions*, p. 139.



device for overcoming the opposition of employers is to be found in the frequent appeals of employers for injunctions against boycotts and the vigorous efforts of the American Anti-Boycott Association since its formation in 1902 to establish their illegality.

Since the boycott accomplishes its purpose in influencing the employer through the restrictions which it causes upon the amount of his sales, it is evident that its utility as a trade-union device depends upon the degree in which it is able to bring about this restriction. Hence, the following conditions may be laid down as necessary to the success of a boycott:<sup>35</sup> (1) It should be placed upon either some material which is worked upon by organized labor or some commodity which is consumed by the laboring classes; for example, the boycott upon non-union trim as waged by the Carpenters, or the boycott upon non-union beer as waged by organized labor in general. In the present state of public opinion little help could be looked for from the general public in refusing to buy boycotted articles. Therefore a boycott upon some luxury never consumed by the ordinary workman or upon some material never worked upon by union men would in most cases be futile.<sup>36</sup> (2) There should be an effective substitute for the article boycotted. A boycott upon the product of a monopoly would stand small chance of success unless the article or service was one which could be foregone with little or no inconvenience on the part of the workman. (3) It should be waged against a firm which sells to a home market. For this reason it is obvious that a boycott against a firm that exported most of

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<sup>35</sup> For a detailed discussion of these conditions see Wolman's monograph.

<sup>36</sup> Sometimes, however, an indirect influence may be brought into play so as to make a boycott effective even where the laborers are not the direct consumers of the commodity boycotted. As Wolman points out, this is true where some political or economic influence can be brought to bear by trade unions in causing certain classes of consumers to cease buying the commodity. Thus political pressure has been brought to bear upon public officials to compel them to cease buying the school books of certain concerns considered unfair to organized labor (Wolman, *The Boycott in American Trade Unions*, p. 89).

its product would be ineffective, since the boycotters would not purchase the commodity under any circumstances, boycott or no boycott. (4) There should be a knowledge of the destination of the boycotted article, or else the goods should be easy to identify, since the average workman will not put himself to much trouble to find out which goods he should not purchase, although he may be willing to support the boycott if he can tell with ease what goods to avoid. (5) The number of unionists must be large and under a central unifying authority. If unionists constitute only a small proportion of the purchasers of a commodity, their failure to buy may result in no appreciable loss to the employer, and, if there is no central authority, the advertising and the enforcement of the boycott become difficult. (6) A limit should be placed upon the number of boycotts. The American Federation of Labor has attempted to do this, claiming that otherwise there is a loss in effectiveness. (7) A boycott cannot well be levied by a weak union against a business firm, a considerable part of whose employees are members of some strong union that is opposed to the boycott. An attempt by the unskilled laborers in a cigar factory to inaugurate a boycott against the cigars of that factory, in spite of the blue label of the Cigar Makers would doubtless be of no avail.

The factors which have thus far been enumerated as conditioning the field for the use of the boycott are all economic in their nature. In addition to these the applicability of the boycott as a trade-union device is limited by certain legal and ethical considerations. The law makes a distinction between primary and secondary boycotts, the latter being characterized by the fact that third persons not originally parties to the dispute are unwillingly dragged into it. Secondary boycotts have generally been held to be illegal, and, inasmuch as nearly every boycott tends to become secondary, this practically amounts to putting the ban of the law upon all of them. Moreover, certain ethical considerations lend weight to this legal antipathy to the boycott.

These have been clearly pointed out by Dr. Wolman. In the boycott as ordinarily conducted the employer has no opportunity for a fair hearing of his side of the case. "The union acts as judge, declares the employer guilty, invokes to its aid a vast power foreign to the dispute—the membership of affiliated unions—and, if the boycotted commodity is sold for the most part to workingmen, it succeeds in destroying the employer's business."<sup>87</sup> These possibilities of evil seem sufficient to condemn any indiscriminate legalization of all boycotts.

It appears, therefore, that, although the boycott has at times proved itself a most powerful weapon in promoting the organization of labor, there are decided limitations, economic, legal, and ethical, upon its use as a device for overcoming the opposition of employers. The economic limitations, it is evident, affect only certain industries; for example, those in which there is a monopoly and no substitute, or in which the commodity produced is one for which there is no demand on the part of laborers. The legal restrictions, on the other hand, if strictly enforced, and the ethical limitations, if applicable to every boycott, would place a practically absolute veto upon any use of the device. It seems, however, that ever since the decision of the United States Supreme Court in the Danbury Hatters' Case declared the boycott an offense against the Sherman Anti-Trust Law there has been a considerable use of the boycott by the trade unions of this country, though attended with less publicity than formerly on account of the abolition of the unfair list.<sup>88</sup> Moreover, on account of the recent passage of the Clayton Act, containing provisions in regard to the boycott,<sup>89</sup> it is probable that, pending authoritative ju-

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<sup>87</sup> Wolman, *The Boycott in American Trade Unions*, pp. 143-144.

<sup>88</sup> *Ibid.*, p. 134.

<sup>89</sup> Section 20 of this act relating to the issuance of restraining orders or injunctions provides in part: "That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employers, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or



dicial decisions, the exact legal status of this device will again be in an unsettled condition for a number of years.

Finally, the force of the ethical limitations upon the use of the boycott should depend upon the purpose for which it is waged and the prevailing state of public opinion. If it is waged for the enforcement of a demand concerning which, according to the prevailing state of public opinion, there is justifiable ground for a difference of opinion between the employer and his working force, then the successful application of the boycott may be considered an unfair and undeserved hardship upon the employer. For instance, if a union which is unable to obtain compliance with its demands for an increased wage or a shorter day by the use of a strike resorts to a boycott to obtain these ends, it might well be that in such a case real collective bargaining would be destroyed, and the fixing of the wage or the working day might depend upon merely the arbitrary will of the union. But, on the other hand, if the boycott is used simply as an instrument to promote collective bargaining, and public opinion in the community approves of such a system, then the boycott should be looked upon as a justifiable device. Thus, if the boycott is used for bringing about the organization of a class of workers otherwise extremely difficult to bring together, or if it is used as a device for compelling an obstinate employer to cease discrimination against members of a union or to give recognition to the union committees,<sup>40</sup>

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conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney."

The clause relating to the issuance of injunctions against boycotts provides that "no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, . . . from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do" (U. S. Statutes at Large, 63d Cong., 2d Sess., Chap. 323, 1914, Sec. 20).

<sup>40</sup> Wolman mentions the shirt, collar, and cuff manufacturing industry as one in which the boycott might well be used for these purposes (p. 139).

in such cases the boycott is an instrument for the promotion of collective bargaining, and, if public opinion approves of collective bargaining, it should not condemn the boycott when conducted simply for the attainment of that end. Here it is not a case, as before, of an individual employer setting up his opinion against an individual union, but rather one of a single employer setting up his individual opinion against the prevailing sentiment of an entire community; and no injustice would be worked against that employer if he were compelled through the power of the boycott to make his own relationships with his employees conform to the standards generally recognized as proper.

Considerations such as these may have an important bearing upon future judicial decisions concerning the legality of the boycott. A writer in the *Quarterly Journal of Economics*, speaking of the recent Clayton Act, says: "Doubtless in its final interpretation, something will depend upon the use made by labor organizations of the rights accorded them under the law, and doubtless more will depend upon the drift of public sentiment and opinion as reflected in the election returns from now on."<sup>41</sup>

*The Union Label.*—The union label, like the boycott, is a device which is of importance for the purpose of overcoming the opposition of the employer as well as for the purpose of securing the affiliation of workmen difficult to reach by the more direct methods of organizing. First employed by a local union of cigar makers in San Francisco in 1875,<sup>42</sup> and adopted by the national union of cigar makers in 1880,<sup>43</sup> the union label has since become a common device of American trade unions, the secretary of the American Federation of Labor reporting in 1914 that there were 56 labels

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<sup>41</sup> P. G. Wright, "The Contest in Congress between Organized Labor and Organized Business," in *Quarterly Journal of Economics*, vol. xxix, p. 260.

<sup>42</sup> E. R. Spedden, "The Trade Union Label," in *Johns Hopkins University Studies*, ser. xxviii, no. 2, p. 10.

<sup>43</sup> *Ibid.*, p. 14.

and 10 cards<sup>44</sup> issued by various organizations which had been endorsed by the Federation.<sup>45</sup> On September 30, 1914, there were affiliated with the Union Label Trades Department of the Federation 38 national unions with an approximate membership of 422,500.<sup>46</sup>

Here also it is impossible to make an absolutely clear distinction between the two purposes accomplished by the use of the union label. Therefore, since we have noted in the previous chapter the value of the label in bringing about the organization of indifferent workers, it is desired in this chapter to call attention to the fact that the union label may also serve the purpose of turning the hostility of the employer into outright desire for organization. As a trade-union device the union label differs only in degree and not in kind from the boycott. It effects its purposes by its influence upon the sales of the employer, but rather through its appeal to his desire for gain than to his fear of loss. The request to workmen to purchase only goods bearing the union label is in effect equivalent to a request to boycott all non-union goods. Thus the union label becomes valuable as providing a mark of identification in a general boycott against non-union goods, as, for example, in the boycott of the Carpenters against non-union trim. Since, however, there are not the same legal obstacles in the way of the union-label propaganda, in that it does not involve the publication of the forbidden unfair list, it is desirable to treat separately of its efficacy as an organizing device.

That the union label may prove a valuable organizing device is well illustrated by the experience of certain unions. The case of the overalls workers has already been cited in our discussion of the label propaganda as a device for over-

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<sup>44</sup> A union shop card is similar in its purposes to the union label. It is used in those trades where the labor of the workman results in the rendering of a service rather than in the production of a commodity—for example, the work of a barber or of a retail clerk, or of a bartender—and where from the very nature of the case no label could be employed.

<sup>45</sup> Proceedings, American Federation of Labor, 1914, p. 23.

<sup>46</sup> *Ibid.*, p. 186.



coming the indifference of unorganized laborers. Likewise the union-label agitation must be considered the most important factor in bringing about the organization of the Boot and Shoe Workers. The method of organizing adopted by this union has been extensive advertising and agitation in favor of shoes bearing the union stamp, thus creating a demand for the union product so as to make it worth while for the employer to unionize his factory. In January, 1904, it was reported that this sort of campaign had proved so successful that during the year some sixty factories, employing nearly 16,000 workers, had been added to the union-stamp list.<sup>47</sup> The secretary of the union stated: "The basis of our present degree of organization is the union stamp. To the extent that the stamp becomes popular with the general labor movement, to that extent does our union make progress."<sup>48</sup> Therefore, the union has continued its policy of advertisement and agitation for the union-stamp products. In the year 1911 over \$90,000 was spent in this way.<sup>49</sup> The Cigar Makers similarly have spent large sums in advertising their label, for example, \$42,000 for the year 1911. Their president, Mr. Perkins, classes the union label as one of the four principal things that make unions strong, the others being high dues, a chain of benefits, and discipline.<sup>50</sup> In studying the causes which have fostered the growth of this union it is impossible to disentangle these various factors. The system of high dues and benefits was inaugurated in 1879; the label, adopted in 1880, came into use in the early part of 1881. In this year the membership of the union, which had fallen from 5800 in 1869 to as low as 1016 in 1877 and 3870 in 1880, reached 12,400. Reports from some of the local unions indicate that this increase was largely due to the use of the union label.<sup>51</sup>

An interesting instance of the efficacy of the union label

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<sup>47</sup> Proceedings, 1904, p. 26.

<sup>48</sup> Ibid., p. 47.

<sup>49</sup> Proceedings, American Federation of Labor, 1913, p. 99.

<sup>50</sup> President Perkins's Report to Twenty-second Convention, 1912, p. 24.

<sup>51</sup> Spedden, pp. 15-16.

as an organizing device is provided by the Bakers and Confectioners. This union has found itself confronted with a difficult proposition in the organization of the employees of the large baking combinations which have been effected in recent years, and which have, as a rule, opposed the organization of their employees. In order to overcome this opposition the union has undertaken an extensive campaign of advertising and agitation for union-label products, especially bread, over \$30,000 having been spent for these purposes in 1911.<sup>52</sup> In March, 1913, the international officers reported that about forty different articles had been sent out during the year and were reproduced by about one hundred publications in sympathy with the labor movement. Over a million agitation leaflets and cards were put out and supplied free of charge to local unions.<sup>53</sup> The efforts thus made seem to have borne fruit. Especially bitter has been the fight to organize the various plants of the Ward Baking Company. In September, 1914, however, officers of the national union stated to the writer that they had been successful in organizing this company's plants in Chicago, Washington, Rochester, Newark, and Alexandria, and that the reason for this was the desire of the company to get the use of the union label in these cities because of the strong demand in them for the union product.<sup>54</sup> Other unions in which the label or the shop card has played an important part in forwarding organization are the Hatters, the Bartenders, and the Printers.

The efficacy of the union-label propaganda, like that of the boycott, depends upon the extent to which the union can influence the sales of the employer. Here too it is evident that the presence of certain conditions promotes the successful use of the device. Since these conditions are for the most part the same as those which were enumerated in the discussion of the boycott, it is not necessary to state them

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<sup>52</sup> Proceedings, American Federation of Labor, 1913, p. 99.

<sup>53</sup> Joint Report of International Officers to the General Executive Board, in *Bakers' Journal*, March 8, 1913, p. 3.

<sup>54</sup> Interview with Charles Iffland, secretary, Chicago, September 3, 1914.

again in this connection. Suffice it to say that the absence of some of these conditions makes of the union label as well as of the boycott a device of by no means universal applicability in the problem of bringing about the organization of non-union workers. The union label or the boycott could do little toward organizing the employees of the telephone and telegraph companies, where the demand of labor for the services supplied is small and where more or less monopolistic conditions prevail. Nor would they be available for organizing the thousands of unskilled laborers employed in the maintenance-of-way departments of the railroads of the country unless applied by the large brotherhoods, a use which does not seem probable at present and which might lead to legal interference, as in the case of the notable attempt of the American Railway Union to apply the boycott in the Pullman strike of 1894.

On the other hand, in addition to the classes of workers which have already been mentioned, these devices have possibilities of great value in forwarding the organization of such workers as the barbers, the broom makers, the brush makers, the pocket-knife blade grinders and finishers, the glove workers, the collar and cuff workers, and the meat cutters, where laborers can exert a large influence upon demand and where conditions of monopoly do not prevail. In the case of the tobacco workers also, provided (since the dissolution of the American Tobacco Company) a sufficient quantity of union-made product can be put upon the market to supply the legitimate demand of the consuming workman, the boycott and the label ought to prove important factors in extending organization. It should be noted, moreover, that the power of organized labor to wield these weapons effectively is constantly increasing because of the growing numbers of organized workmen, the closer interrelations existing among the various unions as exemplified in the growth of the American Federation of Labor and its different departments, the formation of women's union-label leagues, and the growing financial resources of organized



labor which enable the unions to expend larger and larger sums for the purposes of advertising and agitation. Still greater possibilities would reside in these weapons if large bodies of consumers outside of the unions could be prevailed upon to follow the requests of organized labor; hence the attempt to enlist farmers' organizations in the union-label propaganda. Thus far, however, these attempts seem to have accomplished little.

*The Closed Shop.*—The closed shop should also be noted among those devices which are useful in overcoming the opposition of employers to the organizing of their workmen. However, since the manner in which this device exercises its influence upon the employer and the limitations upon its use have already been considered in our discussion of the methods of securing the affiliation of unorganized workmen, a mere mention will suffice in this connection. It should be borne in mind that we are here referring to the closed-shop rule in its more extended implication; that is, where it provides not only that non-unionists shall not work in a so-called union shop, but also that no unionist shall work with a non-unionist in any shop.

*Competing with Employers.*—A method which has at times been adopted by some unions for overcoming the opposition of employers is that of entering into competition with them. One of the conditions which were pointed out as requisite for the successful prosecution of the boycott was the presence of a substitute for the boycotted article in order that the legitimate demand of consumers might be satisfied. Likewise the attainment of any satisfactory results from the union-label propaganda necessitates a sufficient supply of union-label products to meet such a demand. When the production of regular establishments has been insufficient to meet these needs, the union has at times attempted to supply the demand for union goods through cooperative establishments.

An instance of this is found in the experience of the Tobacco Workers. The label advertiser of this union, ad-

addressing the convention of the United Mine Workers in 1908, said: "Through your efforts [that is, through the patronage of the union label] we have been able to build up factories that employed union labor, but in a few years after they started and began to compete with the American Tobacco Trust the trust would purchase them. The consequence is that after we have given our hard work to establish these factories we are turned out and told they have no further use for us. That has been going on for the past thirteen years."<sup>55</sup> In order to overcome this difficulty, he stated, a Tobacco Workers' Cooperative Company had been formed, which had a factory in operation and was putting goods on the market. In the future the Mine Workers were asked to use the product of this company.<sup>56</sup>

The Bakers and Confectioners have been confronted with similar difficulties. A contributor to their journal writes as follows: "One of the difficulties which may result from the control of the industry by bread trusts, and prevent agitation for union-label bread is that consumers may be able to purchase no other bread but trust product. The only resort of the union then would be to start and operate bakeries of its own."<sup>57</sup> In 1904 a cooperative bakery was established in San José, California. Just previous to this the Bakers had had a strong organization there, composed of about thirty men employed by eight master bakers. They were locked out by the employers, however, and the whole town became non-union. Thus no union bread could be supplied to consumers. A strike was of no avail, since the employers obtained men from outside. Consequently the union determined to establish a bakery of its own. At first the business was unprofitable, but in 1913 it was reported that for the past three years it had been upon a paying basis and was yielding profits of several thousand dollars every six months. The surplus is used in paying out-of-work benefits for idle members as well as for general agitation in behalf of the

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<sup>55</sup> Proceedings, United Mine Workers, 1908, p. 209.

<sup>56</sup> Ibid.

<sup>57</sup> Bakers' Journal, April 19, 1913, p. 2.

organization. In 1913 this bakery employed thirty-four men, and the original employers, it was asserted, had been forced out of business. A similar bakery, employing about ten men, was started in St. Paul in 1910, and was reported to be getting along under fairly good circumstances in 1913.<sup>58</sup> The Bakers intend to make further use of this device. In an interview with the writer one of the officers of the union stated that schemes were being worked out for the establishment of movable cooperative shops in order to supply temporarily the demand for union-label bread in those cities where there are no union bakeries. These shops are not intended to be permanent. They are to be purely organizing devices; and when enough of the regular bakeries in a city have become unionized to supply the demand for union-label bread, the temporary shop is to be moved to some other city to repeat the same process.<sup>59</sup>

The Flint Glass Workers also once tried the plan of entering into competition with non-union employers. With the discovery of natural gas in Indiana, there had grown up in that State a number of small factories engaged in the manufacture of whiskey flasks. These factories were non-union, and by the employment of a large number of boys at low wages were able to undersell the union manufacturers and obtain a practical monopoly of the business. The union came to the conclusion that any attempt to unionize these factories by the strike method must fail, since strikes would do nothing more than temporarily inconvenience the employers while they were getting together a new crowd of boys to take the places of those who had gone on strike. Consequently it was decided in 1899 that a better plan would be for the union to erect a factory of its own and, by placing its goods on the market at prices below those which could be afforded by the non-union houses, force them either to unionize their plants or abandon the business. The factory, which was located at Summitville, Indiana, cost \$12,000 to build and began operations in October, 1900. It was run

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<sup>58</sup> Bakers' Journal, April 19, 1913, p. 2.

<sup>59</sup> Interview with Treasurer Myrup, Chicago, September 3, 1914.



at a financial loss; but it seems that it was partly successful in its purposes, the claim being made that seven out of the eleven non-union factories were compelled to shut down for a while.<sup>60</sup> However, there was not sufficient time to test the real efficacy of the project as an organizing device; for after about one year's operation, the making of these flasks, together with the making of all prescription bottles, passed into the jurisdiction of the Glass Bottle Blowers' Association. The factory was not shut down altogether, but was no longer used for its original purpose. In June, 1903, it burned down, and no new factory was erected.

The Street and Electric Railway Employees have made use of a device analogous to the cooperative shop for the purpose of breaking the opposition of hostile companies. As early as 1901 President Mahon reported that at the quarterly meeting of the national executive board he had been instructed to make an investigation of various automobiles and horseless conveyances for the purpose of carrying passengers, and that if anything suitable could be found that might be used by the organization to compete with various opposing companies, he was to outline a plan for the purchase of such conveyances. He reported that nothing satisfactory could be found, but thought that something might come of the plan in the future.<sup>61</sup> Four years later, at the convention in 1905, he reported that a scheme of this nature had been put into operation at Saginaw, where three automobiles were used to supply transportation during a strike.<sup>62</sup> The general executive board was of the opinion that this was one of the strongest defenses that the organization could have, and advocated the expenditure of \$20,000 for the purchase of more machines.<sup>63</sup> A special committee on automobiles recommended that the three machines already purchased be retained, and that the above sum be

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<sup>60</sup> Proceedings, 1901, p. 144, Report of Superintendent of Summitville Factory.

<sup>61</sup> Proceedings, 1901, p. 8.

<sup>62</sup> Proceedings, 1905, p. 21.

<sup>63</sup> *Ibid.*, p. 40.

expended for new machines, such machines to seat not less than twenty passengers. This recommendation was adopted by the convention.<sup>64</sup> Since that date the machines have been used from time to time by the organization for the purpose of supplying transportation to the public during strikes. President Mahon stated that the plan has worked well and would be continued in small towns and cities in the future.<sup>65</sup>

The most conspicuous examples of the possibilities of this method in overcoming the opposition of hostile employers are to be found in recent experiences of the Bricklayers and Masons. For six months prior to November 1, 1910, the building trades of Alton, Illinois, had been struggling against the establishment of the non-union shop. The bricklayers went out in sympathy, and in November, 1910, the executive board of the national union determined to come to their assistance financially and otherwise. The board decided in January to inaugurate a policy of competition with the "open shoppers," that is, to figure on all work at actual cost with no profits. To back this policy, \$5000 was deposited in one of the Alton banks. The union figured on every building that came into the market and captured, it is asserted, ninety-eight per cent of them, obtaining contracts amounting to more than a quarter of a million dollars. From cellar to roof every bit of work was done by union men of all callings. By September the employers were ready to give up the fight, and signed an agreement establishing friendly relations between themselves and the workmen and guaranteeing union conditions of employment in all trades. A similar policy was pursued at Aberdeen, South Dakota, in 1911. As a result Secretary Dobson says that, while in 1910 ninety-nine per cent of the work was done by non-union men, in 1911 ninety-nine per cent was done by union men. At the time of the report, however, no

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<sup>64</sup> Proceedings, 1905, p. 51.

<sup>65</sup> Interview with President W. D. Mahon, Detroit, September 7, 1914.

agreement had as yet been reached with the employers.<sup>66</sup> The plan of entering into competition with employers has since been put into successful operation at other places. In these places, however, the union did not contract for the whole job as at Alton and Aberdeen, but agreed to do the bricklaying work for some union contractor at a rate so far below the regular rate—the union making up the loss to the individual bricklayers—that it became impossible for the non-union contractor to compete in his bidding with the union contractor.<sup>67</sup> In these cases the union practically made the union contractor its agent in bidding against the non-union contractor.

The applicability of this method of overcoming the opposition of employers is dependent upon the presence or absence of certain conditions. In the first place, it is desirable that no large investment of capital in a fixed plant should be necessary, as, of course, the enterprise must come within the financial resources of the union. In some industries where huge capital requirements exist this method would be altogether out of the question, and in many smaller enterprises weak unions would be unable to open up establishments. But even if the union were successful in securing the requisite capital, it would be an unwise policy for it to tie up a large proportion of its resources in this unrealizable form of a fixed plant and thus make them unavailable for the primary defensive purposes of the organization. Whether or not the union is successful in breaking the opposition of employers, it is not desirable that it should attempt to maintain its cooperative establishment as a permanent institution. The history of the majority of cooperative undertakings in production is a dreary succession of financial failures, and a permanent establishment of this sort might prove a continual drain upon the resources of the union. It would seem best that this engaging in competition with the employer should be undertaken purely as an

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<sup>66</sup> Forty-sixth Annual Report for term ending December 1, 1911, Report of Secretary Dobson, pp. 522-528.

<sup>67</sup> Interview with Secretary Dobson, Indianapolis, August 29, 1914.



organizing device. When used in this manner the union may rightly consider any losses resulting therefrom as simply in the nature of organizing expenses. But if after a reasonable length of time the undertaking fails to accomplish its organizing purposes, the losses resulting from its continuance mean just so much waste. Or in case the enterprise is successful in breaking the opposition of employers, its continuance is unnecessary as an organizing device, and further loss in carrying on the undertaking again represents pure waste. It is, therefore, desirable that the business in which the union engages be one from which it can quickly retire without financial sacrifice. In this respect the building industry presents ideal conditions, since, with the completion of each contract, the contractor's capital is returned to him in money. On the other hand, where the business necessitates a large fixed plant with expensive machinery and appliances, the disposal thereof might be accomplished only at great financial sacrifice on the part of the union.

In the second place, the success of this method of fighting the employer depends upon the proportion of the total demand which the union is able to supply through its undertaking; that is, it depends upon the comparative importance of the union undertaking as a competitor. In a city like Baltimore an attempt on the part of the Amalgamated Association of Street and Electric Railway Employees to break the opposition of the company in a strike for recognition by the running of a few automobiles would be altogether foolhardy; but, in a small town or city, where the transportation facilities are furnished by, say, twenty-five cars more or less, the competition of half a dozen or a dozen large passenger automobiles might prove an important factor in bringing the company to terms. As a matter of fact, the association uses its automobiles only in such places. The chances of the union's success are for the same reason in inverse proportion to the extent of the market for the com-

modity or service to be supplied. Consider the case of the Tobacco Workers, for example. Here a factory established by the union must help to supply a national demand. Obviously, unless the organization is prepared to sink a great amount of capital in the enterprise, the diminution which it can cause in the total demand for the products of the regular manufacturers must be almost negligible, and the results in inducing a unionizing of their plants correspondingly small. On the other hand, where the market for the commodity or service is purely local, a union may be able to supply through its enterprise a considerable proportion of the demand without any large investment of capital. In this respect again the building trades possess an advantage, since, as was the case in Alton and Aberdeen, it may be possible for the union to step in and supply the entire local demand for building construction in a small city. The Bakers too possess an advantage in those towns where the demand for bread is supplied by local bakeries, as was the case in San José. In large cities, however, the force of such competition would be much lessened.

Finally, the ability to employ successfully this weapon, competition, is affected by the comparative financial resources of the union and of the employers. In Alton, where the resources of the employers were probably much smaller than those of the union, the employers were unable to stand the loss which would have been incurred by doing the work more cheaply than it was contracted for by the union. But if the union were to undertake a similar campaign against a more powerful group of master builders in a large city, the tables might be reversed.

It is plain, therefore, that the method of entering into competition with the employer for the purpose of overcoming his opposition is one of very limited applicability. This accounts for its infrequent and sporadic employment in the past. On looking over a list of the unions in this country and bearing in mind the above mentioned limitations we

see that, outside of the building trades, there are probably not more than ten or a dozen unions for which this device would be available, and in most of these its prospects cannot be said to be very hopeful. In the building trades, however, the conspicuous success of the Bricklayers in the instances cited points to larger possibilities, especially in the smaller cities and towns.



## CHAPTER III

### MAINTENANCE OF STABILITY

The problem of organizing labor is by no means solved when individual workmen have been induced to come together and form a union. If it were, it is probable that the extent of organization in this country would be, at a conservative estimate, from fifty to one hundred per cent greater than it is at present. This condition is due to the fact that so much of the work of organization is ephemeral in its results. Every year a great number of new unions are formed, but at the same time many others fall to pieces. The affiliation of new members is secured, but old memberships lapse. A few statistics will serve to make this clear.

The American Federation of Labor publishes in its proceedings of each year statistics as to the number of charters issued to local unions by various affiliated national unions and by itself, together with the number of charters surrendered. These figures do not constitute a complete record of local unions formed and disbanded, since in different years various national unions fail to report. On the average, however, approximately one hundred unions report each year, so that the figures may be considered fairly representative for labor as a whole. These reports show that in the sixteen years from 1899 to 1914 there were issued by the various unions reporting and by the American Federation of Labor 50,293 charters, while during the same time 23,390<sup>1</sup> charters were surrendered. In other words, forty-six per cent of the unions formed failed to maintain their existence.

The same tendency can be observed in the experience of

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<sup>1</sup> The figures are based upon the reports of the secretary published in the proceedings of the American Federation of Labor from 1899 to 1914.

specific unions. In the forty-seven years from 1868 to 1914 the Typographical Union grew from 79 to 723 local unions, an increase of 644. Within the same period, however, there were chartered over 1500<sup>2</sup> local unions. Nearly 900 unions, or about sixty per cent of those formed, lapsed during the period. In the ten years from December 1, 1903, to December 1, 1913, the Bricklayers showed a gain in local unions from 819 to 957, an increase of 138; during the same period 493 new charters were issued. Making an allowance for probably fifty<sup>3</sup> unions whose charters were surrendered on account of consolidations with other unions, we see that over three hundred of the unions formed, or over sixty per cent, fell to pieces.<sup>4</sup> During the eight years from July 1, 1904, to September 1, 1912, the reports of the secretaries of the Teamsters' Union show that although there were chartered by this organization 714 local unions, at the same time 710 local unions were disbanded, or expelled, or had their charters revoked. It is true that not all of these local unions which were lost ceased to exist, since some of them withdrew to form dual organizations. These withdrawals, however, were important because of the size of the unions involved rather than because of their number. Making due allowance for these,<sup>5</sup> we are probably safe in

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<sup>2</sup> The statistics are not altogether complete since those for the year ending April 30, 1894, are lacking. Not including this year, the exact number of local unions chartered was 1634. Not all of these were counted, however, so as to offset a discrepancy in regard to the number of local unions still in existence, caused by the fact that approximately 116 local unions withdrew in order to form the separate national unions of the pressmen, the bookbinders, the stereotypers and electrotypers, and the photo engravers. The figures are taken from the reports of officers at the conventions.

<sup>3</sup> During the period stated, excluding the two years December 1, 1909, to December 1, 1911, 38 unions were reported as having consolidated with others. For these two years no figures were available, but allowing about the average number of consolidations for them, we are probably not far from correct in stating the total number of consolidations as 50.

<sup>4</sup> The totals were calculated from the figures contained in the annual reports of the secretary.

<sup>5</sup> Two of the most important secessions as regards number of local unions concerned were those of the Chicago Teamsters in 1906, when 39 local unions withdrew to form the United Teamsters of

saying that over eighty-five per cent of the unions chartered were unable to hold together.

From many unions come complaints of their inability to hold members in the organization. The secretary of the Retail Clerks declared in 1912 that in a great number of instances, very soon after organizations had been formed, demands had been presented to the merchants, and, with the aid of the national union and of organized labor generally, better working conditions had been secured. He complained, however, that within a short time the local union had either decreased to a small membership or had gone entirely out of existence.<sup>6</sup> In 1908 an official of the Tobacco Workers' Union asserted that the union had organized over 50,000 men at various times, but that it could not muster then more than ten per cent of this number.<sup>7</sup> In the same year the secretary of the Maintenance of Way Employees stated that, if the union had been able to retain all the members initiated during the preceding six years, its membership would have been more than double that of any of the other railway organizations.<sup>8</sup> When we remember that at this time the membership of the Railroad Trainmen—the largest of the railway organizations—was over 100,000 and that in this year the Maintenance of Way Employees paid a per capita tax to the American Federation of Labor on only 13,500 members, we get some idea as to the difficulty which this organization has experienced in holding its members. Among the anthracite coal miners we find, until the last four or five years, a similar difficulty in holding the men in the union. Here the men would join the union in great numbers on the eve of a new settlement, but after its conclusion would fail to pay dues and thus

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America (Proceedings, 1907, pp. 36-37), and of the teamsters in New York in 1908, when some 26 local unions withdrew (Proceedings, 1910, p. 83).

<sup>6</sup> Proceedings, 1912, p. 26.

<sup>7</sup> Speech of I. Mesmer, label advertiser for the Tobacco Workers, before the convention of the United Mine Workers (Proceedings, United Mine Workers, 1908, pp. 209-210). The Tobacco Workers' Union was organized in 1895.

<sup>8</sup> Proceedings, 1908, p. 23.



keep up their membership.<sup>9</sup> For instance, in the years 1905 and 1906 the average paid-up membership in the three anthracite districts fell from something over 80,000 to less than 29,000. Among the textile workers and the garment workers likewise can be found numerous instances where great numbers joined the union temporarily but soon dropped out.

It is evident, therefore, that one of the fundamental problems before the labor leader is the placing of his organization upon a firm and stable basis, the devising of ways and means whereby a member, once secured, can be kept in the union and prevailed upon to pay regularly the dues levied upon him. In this chapter we shall inquire into the methods pursued by organized labor for the accomplishment of these purposes.

The workmen of the country, considered in respect to their attitude toward trade unionism, may be divided into three general classes: (1) positive unionists, (2) negative unionists, (3) anti-unionists. In the first class we may include the pioneers in trade unionism, the leaders in the movement, and all those who join their union and remain in it without any other inducement than their belief that it will prove an effective means of promoting their industrial welfare. At the other extreme are those of the third class, who either because of a feeling of personal loyalty toward their employers or for some other reason, into which we need not here inquire, are opposed to the principles or practices of trade unionism. Between these two extremes are those of the second class, the negative unionists, who will give a ready assent to the principles of trade unionism and have no fault to find with its practices, but whose attitude is generally one of indifference; who may be willing enough to join the union when it comes to an outright fight against the employer, but whose union spirit is not deep-seated or constant enough to make them willing to undergo sacrifices, pecuniary or otherwise, after the enthusiasm born of the

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<sup>9</sup> See Report of President Mitchell, in Proceedings, 1908, pp. 28-29.

heat of combat has passed away. To this class it is probable that the great majority of workmen belong, a probability of which there is strong evidence in the statistics showing the great number of lapses.

The ideal of trade unionism would be to have every workman in the first class, so that he would foresee the benefits to be derived from united action, realize the necessity of permanent organization in order to make this effective, and willingly undergo present sacrifice in the shape of payment of dues for the sake of future gain. Consequently we have the extensive educational propaganda that is carried on by many trade unions among their members. Over one hundred unions publish journals, weekly, bi-weekly, or monthly, in which the attempt is made to keep before their members the activities of the organization and to stimulate their interest in trade-union affairs. Sometimes a subscription price is charged for the journal, but frequently its expenses are paid out of the general fund; no extra charge is made to members for it, and its circulation is thus greatly extended. In addition to the employment of the journal and other occasional literature published in the form of pamphlets, unions endeavor to stimulate interest and to educate their members by means of addresses delivered by national officers and organizers before the local meetings, and by encouraging discussion among members themselves at these meetings.

The success of this plan, if union activities are confined merely to efforts to secure increase in wages, decrease in hours of labor, or improvement in conditions generally, necessitates a highly developed social and class consciousness. Under such circumstances an individual workman has nothing to lose in failing to keep up his membership. The tendency, then, is to avoid the burden of supporting the union as long as an actual conflict is not on. This is well illustrated by the case of the anthracite miners up to 1912. Here great numbers would come into the union upon the eve of a new settlement with the operators, but upon the conclusion of that settlement would drop out.

Probably stronger than the appeal to the union spirit of the individual workman as a means of holding him in the organization is the appeal to his fear of condemnation by his fellow-workmen if he remains outside of the ranks of organized labor. Hence we have the designation of non-union workers by terms of such odious import as "scab" or "rat," the practice of social ostracism against non-unionists, the appeal to class consciousness, and the general attempt to make the non-unionist feel that he is a social parasite, enjoying the fruits of others' sacrifices. Thus in a letter from the Ladies' Garment Workers' Union to the various shop chairmen is found the following declaration: "Any worker who enjoys the benefits of the union and the protocol and does not contribute his or her share of the expenses of maintaining the union is a shirker and is unworthy of any respect or consideration. The obligation of paying dues to the union is not only a constitutional one, but is a moral one as well."<sup>10</sup> The Industrial Workers of the World, who do not seek recognition from employers or attempt to maintain the closed shop or to supply insurance to members, place reliance entirely upon this sort of pressure, together with the education of laboring men in the purposes and ideals of that organization. All unions make some attempt to influence workmen by appeals of this nature, and doubtless they are to some extent an effective means of holding members.

The experience of the Industrial Workers of the World, however, the membership of which has displayed a most decided instability, would not lead trade unionists to put too great confidence in this sort of appeal. Nevertheless, there should be greater possibilities in it than the experience of the Industrial Workers of the World would seem to indicate. If public opinion continues in the future to look with the same increasing favor upon the organization of labor as has been the case in the past generation, it is probable that the

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<sup>10</sup> Winslow, "Conciliation, Arbitration and Sanitation in the Dress and Waist Industry of New York City," U. S. Bureau of Labor Statistics, Bulletin No. 145, p. 40.



position of the non-unionist will become less and less satisfactory to himself as he finds a growing lack of sympathy with his attitude and an increasing condemnation of his failure to lend his support to his union, the benefits of which he is enjoying. This is one of the reasons why recognition of the union by the employer is important to the organization. With recognition the union obtains a position of some importance in the community. It then stands forth with greater prominence and certitude as the instrumentality whereby the interests of the laborer are safeguarded. Consequently it has a stronger claim upon his support.

Appeals to the union spirit of the workman and to his fear of condemnation on account of failure to belong to the union are helpful means of maintaining the affiliation of members and doubtless function to some extent in all unions. For the purpose of holding a member steadily in the union, however, the most efficacious appeal is the providing by the union for him of some direct, personal advantages of an economic nature, advantages which are apart from those resulting from improvements in the condition of the trade as a whole, but which accrue to him only through continuous membership in the union and which cannot be enjoyed by non-members. An appeal of this nature is provided (1) if membership in the union brings with it personal advantages in the shape of insurance, such as sick, death, disability, old age, and unemployment benefits; or (2) if it protects the individual personally against arbitrary and unjust action on the part of employers or foremen; or (3) if it provides him with increased facility in the securing of employment, as is the case when the preferential union shop prevails; or (4) if failure to keep in good standing in the union disbars him entirely from employment at certain places, as is the case where the closed shop prevails. Each of these methods for maintaining the individual's allegiance will now be considered.

*Insurance.*—It is easy to see how a system of benefits provides a direct appeal to the individual to keep up his

membership in the union. Benefits are paid only to members who are in good standing in the union or who at least are only slightly delinquent in the payment of dues. Consequently a workman desirous of providing insurance for himself or his family must keep his dues paid up regularly; otherwise, the contingency upon which he should become entitled to benefits may happen at the very time when he is disbarred on account of non-payment. Additional inducements to steady payment of dues are offered by the usual provisions of those unions maintaining benefits that individuals shall become entitled to them only after a continuous membership of six months or a year, and by further provisions, which in many cases increase the amount of benefits progressively according to the length of membership. Thus in the Amalgamated Association of Street and Electric Railway Employees continuous membership of one year is required before rights to death benefits begin. In the event of death during the second consecutive year of continuous membership, the benefit is one hundred dollars. In the third year it is one hundred and fifty dollars. It then increases gradually each year, so that, in the event of death during the ninth consecutive year of continuous membership, or thereafter, the benefit is eight hundred dollars.<sup>11</sup> Inasmuch as expulsion for only a short period would break the continuity of membership, the individual has a strong personal interest in keeping his dues paid up. The same kind of appeal is offered in the case of old age pensions, the right to which accrues in those unions that maintain them only after continuous membership for a number of years.

Belief in the efficacy of a system of benefits as a device for keeping members attached to the union is widespread. Sidney and Beatrice Webb say: "The benefit club side serves, in the first place, as a potent attraction to hesitating recruits. To the young man just 'out of his time' the prospect of securing support in sickness or unemployment is a greater inducement to join the union, and regularly to

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<sup>11</sup> Constitution, 1913, sec. 96.

keep up his contributions, than the less obvious advantages to be gained by the trade combination."<sup>12</sup> Mr. Gompers declares that during periods of commercial and industrial stagnation unions with high dues and substantial benefits do not lose their members, while unions without these features suffer a material loss.<sup>13</sup> In 1907 Secretary Dobson of the Bricklayers and Masons urged that a national system of benefits be adopted by that organization. He said:

Benefits of such a character will serve as inducements to the non-union men of our craft to associate themselves with us. Mark well what we say! Our organization of to-day will remain intact just so long as conditions of work in our industry remain the same as they have been during the past few years, but just as soon as a real depression comes upon us, our ranks will be depleted to a marked degree, and charter after charter will be returned to headquarters with the statement, "Nothing doing; when better times come around we will again organize and ask for reinstatement." Their falling away will mean no loss or sacrifice to them. . . . All that will be thought of in returning the charter will be "Well, we can get another one when we want it for fifteen dollars."<sup>14</sup>

The secretary of the Teamsters declared that small local unions throughout the country, which rarely went on strike, claimed that they derived no benefits from the organization, and that it was hard for organizers to work in small towns since they had nothing but strike benefits to offer. He thought that a death benefit of one hundred dollars would increase membership twofold, and that it would also have a tendency to make members more regular in attending meetings and would help the secretaries in the collection of dues.<sup>15</sup> Similar expressions from many other sources might be cited.

This general belief among those possessing experience in trade-union affairs as to the utility of benefit features doubtless has foundation in fact. The experiences of certain unions indicate that benefits prove an attractive feature

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<sup>12</sup> Industrial Democracy (ed. of 1902), p. 158.

<sup>13</sup> In Amalgamated Sheet Metal Workers' Journal, August, 1906, p. 315.

<sup>14</sup> Forty-second Annual Report of Secretary, for term ending December 1, 1907, p. 420.

<sup>15</sup> Proceedings, 1906, p. 142.



to some members. It was reported in 1911 that of the thirteen hundred women members of one large Bohemian local union of cigar makers in New York City, three hundred who had ceased to work in the trade still retained their membership in the organization on account of the benefits provided.<sup>16</sup> In the Bricklayers, Masons and Plasterers' International Union no benefits are paid by the national union, but many local unions have beneficial features. A large number, however, have no benefits, and traveling members are frequently sufferers from this, since in going from one city to another they are often compelled to withdraw from a union that pays benefits and deposit their cards in one that does not pay them. Secretary Dobson asserted in 1907: "There are . . . hundreds of instances where traveling members have petitioned unions in whose jurisdiction they have gone to work, to be permitted to retain their membership in their home union, consenting to pay double dues and assessments in order to be accorded this privilege. This of itself is an object lesson in so far as the value of beneficial features is concerned."<sup>17</sup> It is said by the secretary of the Amalgamated Association of Street and Electric Railway Employees that some of the members continue to pay their benefit dues even after leaving the employ of the railway company.<sup>18</sup> In 1907 the editor of the Journeyman Barber declared that there was even a tendency in the Barbers' Union to place too much emphasis upon the benefit feature of the union, and he uttered a warning that this should be only an incidental feature. In the Brotherhood of Railroad Trainmen there are about 18,000 conductors; many of these are also members of the Order of Railway Conductors in order that they may receive protection and benefits from both organizations. President Perkins of the Cigar Makers thinks that high dues and a chain of benefits are an absolutely necessary foundation for a successful

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<sup>16</sup> Andrews and Bliss, p. 179.

<sup>17</sup> Forty-second Annual Report of Secretary, for term ending December 1, 1907, p. 422.

<sup>18</sup> Interview with Secretary Rezin Orr, Detroit, September 7, 1914.

trade union,<sup>19</sup> and he cites the statistics of the growth of the International Cigar Makers' Union as evidence of their efficacy. The statistics disclose that before the establishment of substantial benefit features the membership of the union displayed great instability. In 1869 it was 5800; with the panic of 1873 it dropped to 3771, and in the subsequent depression it fell from year to year until it was only 1016 in 1877. Since 1879 and 1880, when the benefit system was established, it is true that membership has from time to time suffered slight declines during periods of depression; but on the whole there has been decided growth and stability. This Mr. Perkins attributes principally to the high dues and the chain of benefits.<sup>20</sup>

So many other influences affect the stability of a union, however, that too much reliance should not be placed upon the display of statistics. Thus, as we have seen, the introduction of the union label in the Cigar Makers' Union practically coincided with the establishment of the system of benefits. It is impossible to determine to what extent each one is responsible for the progress of the union. Moreover, while the Cigar Makers display comparative steadiness in their total membership from year to year, they have had the usual difficulty in preventing the breakup of local unions. In the eleven years from 1901 to 1912, charters were issued to one hundred and ninety-two unions; but during the same period one hundred and eighteen unions, or sixty-one per cent of the number chartered, were dissolved or suspended, or had their charters revoked.<sup>21</sup> This proportion is about the same as in the International Typographical Union, which until recently had no extensive national benefits. Furthermore, the total membership of this union since 1880 has shown a steadiness from year to year about equal to that of the Cigar Makers.

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<sup>19</sup> Letter in the International Hod Carriers and Building Laborers' Journal, December, 1904, pp. 13-14.

<sup>20</sup> President Perkins's Report to the Twenty-second Convention, 1912, pp. 1-2.

<sup>21</sup> *Ibid.*, p. 10.

The beneficiary features of the railroad brotherhoods are of especial value as appeals to individuals. In the first place, the members of these organizations are among the most intelligent class of workers, and would naturally be inclined to provide for the future by means of insurance. In the second place, the insurance features of these organizations are particularly valuable to members, since such workmen are usually classed as extra hazardous risks and are debarred by old line life insurance companies and fraternal beneficiary societies. As a matter of fact, a very large insurance business is done by these organizations. In the Brotherhood of Railroad Trainmen insurance certificates are issued in amounts of from \$550 to \$2000 for death and total disability. In the twenty-nine years prior to September 1, 1913, the brotherhood had paid to its beneficiaries 23,090 claims amounting to \$27,310,677.41.<sup>22</sup> In 1912 out of a total membership of 124,048 there were 117,855 beneficiary members, and the total amount of insurance in force was \$157,177,000.<sup>23</sup>

*Protection Afforded.*—A second form of appeal to the individual's direct self-interest is found in the protection afforded to him by the union. By protection here is not meant the safeguarding of the interests of the craft as a whole through the maintenance of a high rate of wages, short hours, and good conditions generally, but the support of the individual in the remedying of any personal grievance which he may experience,—such, for example, as an unjust dismissal, an over-severe or unwarranted disciplining, a failure to accord his seniority due recognition in the making of promotions or assignment of work, and failure to make proper rating or measurement in the payment for

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<sup>22</sup> Pamphlet, "132,000 Strong," published by the brotherhood and in use in 1914 for organizing propaganda.

<sup>23</sup> Proceedings, 1913, diagram opposite p. 687. It should be mentioned here that one of the most important advantages of a system of benefits is its effect upon the policy and management of the union. This aspect of the matter, however, can be better treated when we come to a consideration of those subjects in the following chapter.



piece work or to distribute this work equitably. If a union is able to safeguard the interests of an individual in such matters as these, but undertakes to do so only in case he is a member of the organization, it is evident that here again is made a direct appeal to the individual's self-interest, inducing him to remain steadfast in his membership.

The importance attached by some unions to the protection afforded the individual member is evidenced by the form of appeal which they put to non-members in order to secure their affiliation. The secretary of the Locomotive Firemen and Enginemen says that the majority of members when soliciting for new adherents almost invariably attempt to show the beneficial features of the organization; for example, the disability and death benefits. "Lastly," he continues, "they tell of the protective features of the organization, whereby the members have their rights as enginemen protected—how it aims to secure for them a fair rate of compensation for their work and to see that no injustice is practiced upon any member."<sup>24</sup> In an organizing pamphlet put out by the Brotherhood of Railroad Trainmen the protection afforded is placed first among the advantages accruing from membership. The appeal is as follows: "The Brotherhood offers the protection of its united membership and its treasury to every member of the organization. It provides, through its committees, for arrangement of the terms of service, rules for government and the payment of wages. It insists on the rights of the members being observed and offers the advantages of its protection to its members traveling and seeking employment." The fact is then mentioned that the brotherhood has agreements with railroads representing 180,000 miles of the 220,000 miles of railways in the United States and Canada. These agreements "fix the rates of wages, hours of labor, and general rules governing employment, such as guaranteeing rights in the service, freedom from dismissal without just and good cause, and a fair hearing for every employee charged with

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<sup>24</sup> Locomotive Firemen and Enginemen's Magazine, June, 1910, p. 850.

offenses."<sup>26</sup> In the railroad brotherhoods, where no attempt is made to enforce the closed shop, this protection and the elaborate systems of insurance provided are the only direct appeals to the pure self-interest of individuals. Yet these organizations are among the strongest and most stable of all labor organizations in this country. It was declared by Mr. A. B. Stickney, a railroad president, that "the impracticable use made of the discharge has been the vital spark of all brotherhood organizations."<sup>26</sup>

The Amalgamated Association of Street and Electric Railway Employees likewise attaches great importance to the protection which it is able to afford the individual member. In an organizing pamphlet issued recently by this association attention is first called to the work accomplished in the way of raising wages and shortening hours. Then follows a statement of the manner in which the individual is protected. After asserting that working agreements have been established by the association with some two hundred and fifty companies, the pamphlet goes on to say: "Under these agreements grievances are adjusted and many of them provide for arbitration in the event of the failure to agree upon an adjustment, so that today a man belonging to the organization has the co-operation of his fellow-workmen and the benefits of a strong organization to sustain him in the adjustment of any wrong which has been done him by unscrupulous bosses."<sup>27</sup> In this organization also the protection afforded and the benefits provided are the principal advantages accruing directly to the individual. The secretary stated in 1914 that only about fifteen per cent of the members were working under closed-shop agreements.<sup>28</sup> Nevertheless, the union has been able to build up a strong and stable organization, its membership in 1914 being 54,500.<sup>29</sup>

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<sup>25</sup> Organizing pamphlet, "132,000 Strong."

<sup>26</sup> Report of the Industrial Commission, 1901, vol. xvii, p. 797.

<sup>27</sup> Organizing pamphlet published by the Amalgamated Association of Street and Electric Railway Employees, in use in 1914.

<sup>28</sup> Interview with Secretary Rezin Orr, Detroit, September 7, 1914.

<sup>29</sup> Proceedings, American Federation of Labor, 1914, p. 25.

The Molders afford a good example of the attractiveness to an individual of the protective features of a union, under certain circumstances. The original agreement of the Stove Founders' National Defense Association with the Molders, as laid down in the first joint conference in 1891, provided that the terms of any agreement made should apply only to foundries where a majority of the molders were members of the union. In 1898 an amendment was adopted providing that in case a dispute should occur in a foundry not coming under this original agreement, and in case the foundryman and his employees should not be able to reach an amicable settlement, the matter should be submitted for adjudication to the presidents of the two organizations, or their representatives, without prejudice to the employees presenting the grievance. "From the date at which this clause was adopted," assert Frey and Commons, "any dispute arising in a foundry where union molders are employed has been taken up for adjustment by the officers of the two associations. Moreover, since the clause protects the union molders who bring up grievances from discharge or discrimination while the non-union molders have no official recognition, the latter have from time to time joined the organization in order to get the same protection; so that while in 1891, on account of the majority clause, less than half the foundries were covered by the agreement, at the present time all but three or four of the foundries are covered."<sup>30</sup>

Among the anthracite mine workers and the ladies' garment workers it is also probable that this desire for protection has in recent years had an important influence in keeping the membership of the unions intact. By the agreement formed between the anthracite miners and operators in 1912 provision is made for the establishment of local grievance committees at each colliery. Although no official recognition is accorded the United Mine Workers, in practice these grievance committees are chosen, as far as the miners' rep-

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<sup>30</sup> J. P. Frey and J. R. Commons, "Conciliation in the Stove Industry," in *International Molders' Journal*, May, 1907, pp. 343-344.



representatives are concerned, by the local unions; and, inasmuch as the committee refuses to concern itself with the grievance of a non-unionist, there is provided in this way a direct personal appeal to the individual to keep up his membership in the union. Since the conclusion of the agreement of 1912, union membership, which previously had exhibited extreme variability, has displayed rapid growth and decided stability. It is true that under the first award of the Anthracite Coal Strike Commission in 1903 provision had been made for a board of conciliation—composed of representatives of the operators and, in practice, of the United Mine Workers—in each of the three anthracite districts. At meetings of these boards grievances also could be settled. The boards, however, were too distant for the expeditious handling of numerous petty local grievances, and could not make the same forceful appeal to individuals as could a local committee right under their own eyes, ready to take up their grievances at once.

In the ladies' garment industry, under the various "protocols" formulated since 1910, elaborate machinery has been provided whereby the grievances of individuals can be expeditiously settled. Here too protection is afforded only to members of the International Ladies' Garment Workers' Union, and it is probable that the rapid growth and greatly increased stability of this union since 1910 is to some extent due to this protection afforded individual members. In the case of both the anthracite mine workers and the ladies' garment workers, however, it is impossible to speak with any certitude as to the exact extent to which this desire for protection has been responsible for the great growth and increased stability of the two unions, since in both cases a virtually closed shop has in recent years been largely prevalent in each industry, as we shall presently see.

The question now arises as to what are the conditions under which this desire for personal protection functions as a really active force in securing the steady adherence of members to the union. That it is not always effective is

well evidenced by the failure of unions to hold their members in the many cases which have been described. In the first place, in order that this desire for protection may constitute an effective incentive to the individual to keep up his membership in the union, it is necessary that personal grievances occur frequently in the course of employment. In the second place, it is necessary that the union be accorded some recognition by the employers as a proper agency for the settlement of these grievances.

(1) It is without doubt true that in every kind of employment cases arise from time to time where particular individuals feel themselves aggrieved by what they consider arbitrary and unwarranted action on the part of their employers. Therefore, all unions would include among their purposes the protection of the individual and the maintenance of his independence in his relations with his employer. But in certain kinds of employment it would seem that the workman is especially liable to experience such grievances. To specify these employments with any degree of particularity would require a detailed knowledge of the technique and organization of each industry. Nevertheless, it is possible to state in a broad, general way those classes of employment which are the most likely to give rise to these grievances.

(a) Where large-scale production obtains, where there is a necessity for the formulation of a complex set of rules for the regulation of the conduct of the employees, and where the interpretation and application of these rules must be left largely in the hands of subordinate officials, it is probable that frequent occasions will arise when the employee feels that he has been too harshly dealt with for some alleged violation of the rules of the company. Such a condition as this necessarily prevails upon the great railroad systems of the country. According to statistics compiled by Mr. Kruttschnitt, at the time general manager of the Southern Pacific Railroad, for the six months ending June 30, 1900, 1519 out of a total of 10,513 employees on

that road subject to discipline were actually disciplined. Of these 233 were merely reprimanded, 1073 were suspended for various periods from five to sixty days—the greatest number, 565, being suspended for ten days—and 212 were discharged. The causes of disciplining were as follows: negligence causing damage to property, other negligence and neglect of duty, improper billing and handling of freight, failure to report for duty, intemperance, failure to give or obey signals, insubordination, improper train dispatching, overlooking train orders, failure to report accidents, carelessness in making reports, carrying freight beyond or short of destination, carrying passengers without leave or transportation, incivility to patrons, dishonesty, and unsatisfactory services.<sup>31</sup>

It was asserted by a high official of one of the railroad brotherhoods that if all of the rules of the companies were strictly enforced at all times it would be impossible to carry on the business of the roads.<sup>32</sup> Therefore, an apparent case might at times be made out for the disciplining of any employee. Under these circumstances it is clear that a large amount of discretion must lie in the hands of the officials whose duty it is to interpret and apply these rules. To be protected against an abuse or an incompetent application of this discretionary authority is evidently to the interest of each employee. Such protection is afforded by a strong brotherhood which insists that, if there has been what appears to be an unjust decision in the case of one of its members, a hearing shall be held so that the employee's side of the case may be stated; and which furthermore takes upon itself, through the employment of its trained representatives, the presentation of the individual's case before the officials of the company. In 1911 the report of the president of the Brotherhood of Railroad Trainmen showed that grand lodge officers had taken up the settlement of personal grievances on over fifty railroad systems, involving

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<sup>31</sup> Report of Industrial Commission, 1901, vol. xvii, pp. 800-801.

<sup>32</sup> Interview with W. G. Lee, president of the Brotherhood of Railroad Trainmen, Cleveland, September 9, 1914.



from 150 to 200 individuals.<sup>33</sup> This, however, doubtless represents but a small proportion of the number of grievances actually handled by the brotherhood, since most of them were probably dealt with by the general committees on the various systems without the need of appeal to the grand lodge for assistance.

Where conditions such as those just described obtain, and where the field for employment open to the individual is more or less restricted, or where a discharge by one employer may prove a severe handicap in the securing of employment with another, it is probable that the desire for protection will prove especially strong. Thus where monopolistic or semi-monopolistic conditions prevail, as in the street railway systems of various cities and in the telegraph industry of this country, security of tenure in his position must be a matter of far more vital importance to the employee than in the case of a man in such industries as the building trades, where, as a rule, a shifting from one employer to another is a process of constant recurrence. In the former cases, if an employee is discharged, he loses all the rights that accrue from seniority, and may either have to change his residence from one city to another in order to obtain employment at the same kind of work, or may be quite unable to obtain such work if satisfactory reference from a previous employer is denied. Among the grievances reported by the president of the Brotherhood of Railroad Trainmen in 1911 was one of a member who, after dismissal from one railroad, obtained in succession positions on two other roads, but in each case was subsequently released on account of unsatisfactory references.<sup>34</sup>

(b) It would seem that protection should be especially valuable to the individual where a piece-work system prevails and where the nature of the work is such that he is likely to suffer injustice in the fixing of the price for the

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<sup>33</sup> Proceedings, 1913, report of president for years 1911 and 1912, pp. 9-50.

<sup>34</sup> *Ibid.*, p. 36.

particular piece of work performed, or in the unequal distribution of work. President White of the United Mine Workers said in 1912 that he had heard anthracite mine workers complain that they did not know what the rates were; that the companies took advantage of the men; and that if they could only get the published rates at all of the collieries, it would mean a great advance to some of the men.<sup>85</sup> According to the statement of the statistician of the same union, the miner was frequently told by the mine boss that the work which he was doing was a new class of work for which no scale of wages had been fixed. It was a long-standing abuse that reductions in the pay of the miners had been brought about in this manner.<sup>86</sup> It was the opinion of these officers that great advantages would accrue to the miners from the agreement of 1912 because it was there provided that a schedule of rates should be printed and a copy thereof placed in the hands of every mine worker. Furthermore, the individual was protected in the enforcement of this schedule through the establishment at every colliery of a mine committee by which individual grievances could be taken up with the management.<sup>87</sup> The members of the railway brotherhoods engaged in train service are paid according to a piece-work system. Wages are mostly on a mileage basis, rates being expressed in terms of cents per mile, with a guarantee, however, of payment for a certain number of miles per hour for the time spent at work. Under this system disputes frequently arise as to the proper interpretation of the schedules of rates. If an individual is not allowed as high a compensation as he thinks he deserves for some particular run, it is to his advantage to have the backing of the brotherhood in securing the return to which he is entitled.

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<sup>85</sup> Pamphlet published by United Mine Workers on "Negotiations of Anthracite Coal Operators and Anthracite Mine Workers," 1912, p. 50.

<sup>86</sup> *Ibid.*, p. 64.

<sup>87</sup> Pamphlet published by United Mine Workers on "Negotiations of Anthracite Coal Operators and Anthracite Mine Workers," 1912, p. 64.

In the Ladies' Garment Workers' Union we have an example of the value of protection to the individual against discrimination in the distribution of work. It is said that in the cloak, suit, and skirt industry in New York City, before the "protocol" of 1910, the employer depended upon the foreman to distribute work in his department as best suited him. "This method or rather the evils growing out of this method, constituted one of the foremost contentions of the employees."<sup>38</sup> At times discrimination was made on account of race or family. Some men were permitted to work the entire day and far into the night, and others who were reporting each day to the factory were refused employment. Under the protocol the shop chairman is responsible for an equal distribution of work, and it becomes his duty to report to the employer any discrimination on the part of the foreman or superintendent.

In the nine months from December 12, 1910, to September 11, 1911, 160 of the 998 cases which came before the board of grievances established by the protocol dealt with such discrimination in the distribution of work.<sup>39</sup> In the dress and waist industry in New York City from January 18, 1913, to January 1, 1914, the number of grievances arising on account of unequal distribution of work was 395 out of a total of 4472.<sup>40</sup> Inasmuch as the union will not take up the grievance of a non-member, it is clear that here membership in the union is a direct personal advantage to the individual.

(2) The second fundamental condition that must be present in order that the desire for protection may induce an individual to remain in the union is the recognition of the union by the employer, either through formal agreement or

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<sup>38</sup> Conciliation, Arbitration and Sanitation in the Cloak, Suit, and Skirt Industry in New York City, Bulletin No. 98, U. S. Bureau of Labor, p. 248.

<sup>39</sup> Conciliation, Arbitration and Sanitation in the Cloak, Suit and Skirt Industry in New York City, Bulletin No. 98, U. S. Bureau of Labor, p. 230.

<sup>40</sup> Conciliation, Arbitration and Sanitation in the Dress and Waist Industry of New York City, Bulletin, U. S. Bureau of Labor Statistics, Whole No. 145, p. 100.



through tacit assent, as the proper agency for effecting the settlement of personal grievances. Until the union is accorded such recognition, the only way in which it can secure redress for grievances is through the calling of strikes. Now, if grievances were to arise frequently, it would mean that the unionists must spend most or all of their time on strike—an obviously impossible state of affairs. On the other hand, if grievances seldom arose, the first of our fundamental conditions would be lacking, and the actuarial value of the protection afforded the individual would be too slight to constitute an inducement to him to pay his union dues. In all of the cases which we have considered in this connection a virtual recognition has been accorded the union by the employer. In the case of the relationships established through the several protocols between the various branches of the Ladies' Garment Workers' Union and the associations of manufacturers, we have an example of thorough-going recognition, formal and expressed, with the provision of elaborate machinery for the settlement of grievances. In the anthracite mining industry we have under the agreement of 1912 a provision of machinery for the settlement of grievances, although a formal recognition of the United Mine Workers as a party to the contract is denied. Here, however, the union is now recognized in all but name. As a matter of fact, the mine committees provided for are simply committees of the local unions of the United Mine Workers, and their activities as agencies for the redress of grievances are exerted only in behalf of accredited members of that organization.

*The Preferential Union Shop.*—The third form of appeal to the direct self-interest of the individual is the provision for him of increased facility in the obtaining of employment because of his membership in the union. This inducement is secured through the preferential union shop. The best example of this device is to be found in the relationships of the various branches of the Ladies' Garment Workers' Union with manufacturers' associations under the several

protocols which have been agreed to in the industry. The essence of the arrangement in this industry lies in the agreement that in the hiring of help the employer shall always give the preference to members of the union, when these can be obtained, and also that preference shall be given them in retaining help during the dull season. There can be little doubt that the preferential shop has been chiefly responsible for the maintenance of stability in the organization of the Ladies' Garment Workers since 1910, when the first protocol was formed. Prior to that date the union had experienced the widest fluctuations in membership, the ranks at times being depleted to a mere handful of men, and then again being swollen to a point where it required all the energy and foresight of the leaders to maintain discipline.<sup>41</sup> In May, 1910, before the strike which resulted in the signing of the first protocol, the membership in the cloak, suit, and skirt makers' unions in New York City was about 6000.<sup>42</sup> By the end of the strike in September the membership had increased to 40,000,<sup>43</sup> and in February, 1912, it had further increased to 50,000.<sup>44</sup> Since this date six other protocols have been signed in various branches of the industry, and in 1913 the membership had grown to over 100,000.

This strengthening of the union should not be attributed entirely to the preferential union shop, since doubtless the protective features of the union under the protocol arrangement have had an influence in maintaining the membership of the union. But the prime factor seems to have been the preferential union shop. Strong evidence of this is to be found in the experience of the union in the dress and waist branch of the industry in New York City since the signing of the protocol for that branch in January, 1913. Here the success of the union under the protocol has not been so de-

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<sup>41</sup> Conciliation, Arbitration and Sanitation in the Cloak, Suit and Skirt Industry in New York City, Bulletin No. 98, U. S. Bureau of Labor, p. 204.

<sup>42</sup> *Ibid.*, p. 205.

<sup>43</sup> *Ibid.*, p. 205.

<sup>44</sup> *Ibid.*, p. 213.

cided as in the case of the cloak, suit, and skirt industry. In the latter branch the union has grown steadily since the signing of the protocol in 1910, and in May, 1914, it was stated that practically all of the shops of the members of the Manufacturers' Association were union shops.<sup>45</sup> In the dress and waist branch of the industry, on the contrary, by April, 1914, the membership of the union had actually declined to about one half of what it had been at the time of the signing of the protocol in January, 1913.<sup>46</sup> "The records of the union show that in 29 of the largest establishments in the industry, many of which belong to the most prominent members of the association, employing a total of 5000 workers, the percentage of union workers is less than 1."<sup>47</sup> The union assigns as the cause of its failure to hold its members the lack of good faith on the part of some of the manufacturers in enforcing the principle of the preferential shop. The Manufacturers' Association admitted the truth of this charge, but seemed unable to compel its members to live up to their obligations.<sup>48</sup> It appears that here the desire for protection was alone not a sufficient motive to induce the members to keep on paying dues. Consequently it seems that we should regard the strict enforcement of the preferential union shop as the most important factor in the growth and stability of the Ladies' Garment Workers' Union.

The success of the preferential union shop in maintaining the stability of the union is largely influenced by two conditions: (1) the regularity of employment, that is, the frequency with which hiring or discharging occurs; (2) the strictness with which the principle is observed by the employer.

(1) In an occupation in which practically all the employees maintained their positions throughout the entire year,

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<sup>45</sup> The Ladies' Garment Worker, May, 1914, p. 16.

<sup>46</sup> Conciliation, Arbitration and Sanitation in the Dress and Waist Industry of New York City, Bulletin, U. S. Bureau of Labor Statistics, Whole No. 145, p. 38.

<sup>47</sup> Ibid., p. 9.

<sup>48</sup> Ibid., pp. 39-45.



where the hiring or discharge of workmen seldom occurred, the preferential union shop might offer small incentive to the worker to keep on paying dues, since the principle of the preferential union shop would not require the discharge of a non-unionist, but simply that he should be the first to go in case reduction in the force became necessary. It is obvious that where such a change rarely occurs the value of membership in the union would be far less to an individual than where the hiring and discharge of workers were matters of quite frequent occurrence, so that the non-unionist might always find himself laid off several weeks earlier than the union workers, and also several weeks behind them in the obtaining of new work. Here the superior advantages enjoyed by the unionist should prove a strong incentive to remain in the union. The ladies' garment industry is just such an industry as this, and thus the preferential union shop finds here the most favorable opportunity to demonstrate its efficacy as a means of bringing stability to organization.

(2) As experience in the dress and waist industry has shown, it is absolutely essential to the success of the preferential union shop as a method of maintaining the stability of the union that the employer should support the plan in good faith, that he should as a matter of fact show a real preference for unionists in the hiring and retaining of help. Where the employer, following out the terms of the protocol that those who desire the benefits of the union should share in its burdens, has not only shown the stipulated preference to unionists but has also used his influence in getting the members to pay their dues, there has resulted practically a union shop.

Sometimes we find that, although no agreement exists between the employer and the union in regard to the employment of unionists, in practice preference is given by the employer to members of the union. It was stated by the secretary of the Metal Polishers<sup>49</sup> that in many shops, where

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<sup>49</sup> Interview with Secretary Charles R. Atherton, Cincinnati, August 27, 1914.

no closed-shop agreement existed, union men were always given the preference and only such were employed. Under these circumstances no attempt is made by the union to force an agreement for the closed shop. A similar state of affairs is found in most of the stove foundries working under the agreement of the Stove Founders' National Defense Association with the Molders' Union. Here there is no formal agreement for the closed shop, and the various conferences of the association and the union have avoided that question. In course of time, however, the manufacturers have come to favor organization because the union was thereby better able to maintain discipline in the enforcement of agreements. Consequently in nearly all of these foundries preference is given to union men, and thus the shops have come to be thoroughly unionized.<sup>50</sup>

*The Closed Shop.*—The fourth and most effective method of maintaining membership intact through a direct appeal to the individual's self-interest is the closed shop. A closed shop may be defined as a shop in which "union men refuse to allow non-unionists permanently to retain employment."<sup>51</sup> It is not necessary to inquire here how the closed shop is established. It is sufficient to say that it may be brought about by a gradual winning over of the workmen into the union, or that the employer may be persuaded to establish it voluntarily, or that it may be secured in spite of the employer's opposition through the use of the various devices which were discussed in Chapter II.<sup>52</sup>

Our concern at present, however, is with the efficacy of the closed shop as a device for holding members in the union. The essence of its importance in this respect lies in the fact that it substitutes the shop for the individual as the unit of organization. When a shop has once become union or closed, the individual workman must keep in good standing with the union if he wishes to retain his employment.

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<sup>50</sup> Frey and Commons, *Conciliation in the Stove Industry*, pp. 346-347.

<sup>51</sup> Stockton, p. II.

<sup>52</sup> For a further discussion of the methods of establishing the closed shop, see Stockton, Chapter VI.

Ordinarily an employer, once having granted a closed shop, will discharge a non-unionist upon the request of the organization. If he refuses to do so, a strike may result. Now it is, of course, possible that all of the employees in a closed shop might decide simultaneously that it was useless to continue paying dues to the union. Under such circumstances, the closed shop might fail as a means of holding members in the union. However, it can easily be seen that in a shop employing anything more than a very small number of men this is not likely to happen. If the unionizing has been brought about, not by any effort on the part of the employees themselves but by outside pressure, such as we have seen to have been the case with some of the mill workers and overalls workers, the same pressure which caused the employer to unionize his shop in the first place is likely to cause him to keep it unionized. On the other hand, if an organization has been formed through the efforts of the employees themselves, it is not likely that a concerted effort will be made to break away from it. Individuals may lapse in their ardor from time to time, but the pressure of the majority will suffice to hold them in line. After a time, membership in the union comes to be looked upon as a matter of course for those working in the closed shop.

The attitude of the average workman toward his union in regard to the payment of dues is exactly analogous to that of the average citizen toward the government in regard to the payment of taxes. Although there are comparatively few anarchists in our midst, and although it is generally recognized that revenue is essential for the fulfillment of the governmental functions of the state, nevertheless no reliance can be placed upon the voluntary contributions of individuals. Witness, for example, the universal breakdown of the personal property tax, where the declaration of the amount of personal property has been largely a matter of the individual's own volition. The most respectable citizens make no pretense of paying taxes on the full amount of their property, each one feeling that his own contribution



would be an undue burden when others generally are avoiding the tax. But, on the other hand, where the tax falls with certainty upon every one, as in the case of an excise or import duty, no attempt is made to get rid of the burden, although a concerted effort by a majority of the citizens could successfully accomplish this relief. Likewise in trade unions, provided none of the appeals to the individual's direct self-interest which we have considered are present, organization might break down if the payment of dues were left to each workman's individual volition; whereas no such results would be brought about if the avoidance of dues required the concerted action of a considerable group, just as no general attempt is made to abolish taxation, although the average individual, acting alone, will avoid taxes wherever he can. At the convention of the United Mine Workers in 1912 a delegate, speaking on a resolution concerning the establishment of the closed shop in a certain district, declared that the miners in that section who were organized would not pay dues, but openly admitted that they would pay if they were checked off.<sup>53</sup> Under the closed shop the maintenance of the union depends upon the collective rather than the individual will.

The efficacy of the closed shop as a device for maintaining stability in membership can be clearly seen in the experience of various unions. The United Brewery Workmen, embracing in their jurisdiction a large proportion of unskilled workers and maintaining no national system of benefits, display a decided stability in membership, there having been an uninterrupted increase from 2000 in 1889 to 62,000 in 1912. The secret of this steadiness is doubtless to be found in the fact that the union has adopted the policy of organizing the breweries as industrial units rather than that of organizing individual workmen. The historian of the union, in describing the great struggle of the brewery

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<sup>53</sup> Proceedings, 1912, p. 962. The "check off" is an arrangement whereby under closed-shop conditions union dues are collected through the employer by being deducted from wages.

workmen with the brewery owners in 1888, enumerates a number of instances where the organization was built up through the formation of agreements with employers, that is, through the organizing of the breweries. Later on is found this significant statement: "In other places where organizations still existed, and where union rules were partly enforced without a contract [providing for a closed shop], a disposition showed itself to neglect the payment of dues, and this led to the neglect of the union on the whole."<sup>54</sup> At the present time the brewery workmen are probably the most strongly organized group in this country, and practically all of the members of the union are working under closed-shop agreements.

Among the garment workers also we can see the effectiveness of the closed shop in the maintenance of stability. As Andrews and Bliss have stated in their "History of Women in Trade Unions," organization in the overalls trade has on the whole proved the one permanent success for women's unions in the men's garment trade.<sup>55</sup> Now it is in just these unions that the policy of organizing the shop rather than the individual has been carried out to the greatest extent, inasmuch as in many of these factories the employers themselves have been chiefly instrumental in bringing about and maintaining union shops in order that they might use the union label.

Possibly the clearest evidence of the utility of the closed shop in maintaining membership is to be found in the experience of the United Mine Workers. In August, 1911, the check-off system was prevalent in the coal mines of at least fourteen different States; namely, Illinois, Indiana, Ohio, Pennsylvania (bituminous districts), Kentucky, Tennessee, Iowa, Michigan, Kansas, Arkansas, Missouri, Oklahoma, Montana, and Wyoming.<sup>56</sup> On the other hand, the agreements with the anthracite mine operators included in

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<sup>54</sup> Schlüter, p. 169.

<sup>55</sup> P. 170.

<sup>56</sup> F. A. King, "The Check-Off System and the Closed Shop among the United Mine Workers," in *Quarterly Journal of Economics*, vol. xxv, p. 735.

what are known as Districts 1, 7, and 9 provided explicitly for the open shop, while in Alabama and West Virginia no agreements of any consequence had been obtained. A study of the union membership in these various districts readily discloses the fact that the districts in the former group have exhibited in practically all cases either a constant or an increasing membership from 1900 to 1911, while the districts in the latter group have without exception shown extremely great fluctuations in membership. For example, in District 9, in December, 1901, the membership was over 23,000, but in December, 1902, it had fallen to 3679; by 1905 it had risen again to over 27,000; but by 1911 it had fallen again to less than 4000. This district, it must be remembered, as well as Districts 1 and 7, belongs to the anthracite coal field where the operators have exerted no compulsion on the men to leave the union, but where the men, as Mr. Mitchell has said, have been absolutely free to join the union or not as they wished.

Since the agreement of 1912, membership in the anthracite districts, as we have seen, has shown a decided growth and stability. This has been attributed partly to the increased desire of individuals for personal protection under the newly established agencies for the settlement of grievances. A large share of credit, however, should be given to the closed shop. It is true that the anthracite agreement provides for the open shop; but as a matter of fact closed-shop conditions have come to prevail at many collieries. This has been brought about largely by the so-called button strikes. Members of the union in good standing are provided with buttons, and in many instances these union miners have refused to work with those not wearing buttons. At the 1914 convention one of the delegates from District 7 stated that more than one hundred of such button strikes had occurred in his district during the previous year.<sup>57</sup> Moreover, the operators have gradually come to look with less disfavor upon the closed shop, and in many cases,

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<sup>57</sup> Proceedings, 1914, p. 261.



rather than submit to the inconvenience of a strike, will compel their employees to wear buttons. Thus we have practically the closed shop.

The union or closed shop is at once the most widely employed as well as the most effective device of American trade unions for the purpose of maintaining stability in membership. It is true that it is not employed by the four railroad brotherhoods, or by the Railroad Telegraphers, or by several lesser organizations;<sup>58</sup> but for the great majority of unions it must be given the foremost place among the factors which cause a steadfast adherence of members to the organization. It would be interesting to know the number and proportion of trade unionists working under closed-shop conditions, but no exact investigation of this has ever been made. The writer, in the course of interviews with officers of various national unions during the summer of 1914, made inquiries for the purpose of securing this information. The replies received represent simply off-hand estimates and so cannot be regarded as exact. Nevertheless, they may give some idea as to the prevalence of the closed shop, and thus help to account for that degree of stability which trade unions on the whole exhibit. The estimates given, showing the proportion of union members working under closed-shop conditions, are for unions selected at random and may be considered as fairly representative. They are as follows:

Union	Per cent
Street and Electric Railway Employees .....	15
Retail Clerks .....	50
Longshoremen .....	60
Teamsters .....	70
Painters and Paperhangers .....	75
Blacksmiths .....	80
Tailors' Industrial Union .....	80
Lithographic Press Feeders .....	85
Cigarmakers .....	90
Carpenters .....	90
Bookbinders .....	90
Barbers .....	95

<sup>58</sup> Stockton, p. 31.

In the following unions it was stated that all or nearly all of the members worked in closed shops: Bricklayers and Masons, Brewery Workmen, Cloth Hat and Cap Makers, Glass Bottle Blowers, Glove Workers, United Hatters, Lace Operatives, Plumbers, Stage Employees, Stone Cutters, Typographical Union, Window Glass Workers, and Wood, Wire and Metal Lathers.

In many cases a closed shop prevails to all intents and purposes although no express agreement to that effect may exist. The editor of the *Molders' Journal* stated that none of the agreements of that union provided specifically for the closed shop; but as, where agreements existed, the employer would generally give the preference to the union man, the conditions practically amounted to the closed shop.<sup>59</sup> The strict observance of the preferential union shop among the Ladies' Garment Workers has, as we have seen, led in many cases to the same result. Often, although no closed-shop agreement exists with the employer, unionists will refuse to work with non-unionists, thus bringing about closed-shop conditions in practice. The president of the Longshoremen's Union stated that in that organization in New York City, with having about 6000 members, there was no closed-shop agreement with the employers, but that the men would refuse to work with a non-union man or a man who would not pay dues.<sup>60</sup> The secretary of the United Garment Workers stated that this condition existed in many clothing factories.<sup>61</sup> The same condition prevails also among the Stove Mounters, who have no regular closed-shop agreements.<sup>62</sup> It was in this way, as we have seen, that the closed shop has been instituted among the anthracite coal miners.

It may safely be asserted, therefore, that not only do the great majority of American trade unions make use of the device of the closed shop, but also that in these unions the great majority of the regular members are working under the conditions imposed by this device.

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<sup>59</sup> Interview with John P. Frey, Cincinnati, August 26, 1914.

<sup>60</sup> Interview with T. P. O'Connor, Buffalo, September 10, 1914.

<sup>61</sup> Interview with B. A. Larger, New York, September 14, 1914.

<sup>62</sup> Interview with Frank Grimshaw, Detroit, September 8, 1914.

## CHAPTER IV

### THE MANAGEMENT OF THE UNION

It has been seen that the organization of labor is not a wholly spontaneous process; that it is brought about on a large scale only through constant agitation and appeal; that various devices must be employed to overcome the opposition of the employer; and that even after workmen have once been brought together in unions, a vast problem still remains in making stable and permanent the organization thus achieved. Since this is the case, it is evident that the success of the unionizing movement is largely influenced by the extent to which efficiency in the management of the union is realized.

*Personnel of Management.*—No proper conception of the cause of the strength or weakness of a particular union can be obtained unless we take into account the degree of general ability, honesty, and good judgment with which the organization is managed. For instance, we cannot explain the total lack of organization in the packing houses of Chicago at present unless we bear in mind the strike of the employees in those houses in 1904. At that time, while arbitration proceedings over a dispute were pending, the management of the union foolishly permitted the members to go on a second strike on the grounds of discrimination against unionists,—a procedure which led to a long and bitter struggle, the alienation of public sympathy from the union, a disruption of the organization in the packing houses, and a loss in the membership of the union of over 28,000. On the other hand, we shall not succeed completely in accounting for the success achieved by such unions as the Molders or the United Mine Workers unless we take into consideration the managerial ability of officers like Martin Fox or



John Mitchell, with their persistent efforts towards the promotion of collective bargaining and their firm insistence upon strict adherence to all contracts.

Efficiency in the personnel of management, moreover, is important not only in the case of the national officers but also in that of the local officers. In 1908 the general organizer of the Textile Workers stated that it had become increasingly difficult to obtain efficient officers; and he asserted that there was no doubt that organizations could be formed in many branches of the industry provided efficient business agents could be supplied.<sup>1</sup> The organization committee of the general executive board of the Bakers and Confectioners reported in 1909 that many small local unions ceased to exist as soon as the organizer left them, chiefly because of the lack of capable officers to carry on the business of the union.<sup>2</sup> The secretaries of the Car Workers<sup>3</sup> and the Brick, Tile and Terra Cotta Workers<sup>4</sup> declared that the greatest difficulty they had in organizing foreigners was in obtaining competent leaders of their own race who could gain their confidence.

*The Need for Supervision of Local Unions.*—Frequently the reports of officers of unions refer to the break-up of local unions through the dishonesty of their officials. Probably the most striking instance of this is contained in the report of the secretary of the Hotel and Restaurant Employees in 1905. Speaking of the causes of retrogression in the union during the preceding year, he said:

First and foremost, the greatest evil that we have to contend with is dishonesty. Officers to the number of over two hundred have been accused, and in the major portion, found guilty of embezzlement of the funds of as many locals. Some of the unions have been scorched several times, and all without exception suffer, while a large number have quietly laid [sic] down and ceased to exist. Reasonable allowance is made for other causes of numerical decrease,

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<sup>1</sup> Proceedings, 1908, p. 51.

<sup>2</sup> Proceedings of the fifth session of the general executive board, in *Bakers' Journal*, April 17, 1909, p. 3.

<sup>3</sup> Interview with G. W. Gibson, secretary, Chicago, September 1, 1914.

<sup>4</sup> Interview with William Van Bodegraven, secretary, Chicago, September 4, 1914.

but the flagrant dishonesty of financial and other officers, as well as members who hold no executive position in our locals, is actually responsible for better than two-thirds of the falling off in membership, and the setting forth of scandalous stories that have been used to the disadvantage of organizers who sought to perfect locals in territory contiguous to where such things happen.<sup>5</sup>

The secretary of the Hod Carriers' and Building Laborers' Union in several reports refers to the dishonesty of local officers; he gives this as the principal cause delaying the advancement of the organization, declaring that dishonest officers not only disrupt a local union, but make future organization doubtful.<sup>6</sup> An editorial in the journal of the Barbers' Union asserts that, according to reports of organizers, a representative sent to a local union on the verge of disruption to try to save it finds the books in horrible condition in practically every case.<sup>7</sup>

Another frequent cause for the break-up or weakening of local unions is reckless and unsuccessful striking. It was asserted by the secretary of the National Building Trades Council in 1902 that it seemed to be the opinion of some newly instituted organizations that the only thing necessary to bring an employer to terms was to call a general strike, and that these unions, unprepared and undisciplined, and at times unreasonable or unjust in their demands, invariably lost the strike and in the end disrupted their own and other organizations.<sup>8</sup> In 1905 the secretary of the Sheet Metal Workers attributed the decrease in total membership in that union during the preceding year largely to ill-advised strikes. Other officers in this union have also from time to time called attention to the evil effects of indiscriminate striking.<sup>9</sup> The officers of the Molders' Union have constantly pointed out the disorganizing effect of such striking, and have strongly insisted upon the necessity of good discipline. In 1875 the president declared that strikes in violation of the

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<sup>5</sup> Proceedings, 1905, p. 15.

<sup>6</sup> Proceedings, 1906, p. 62.

<sup>7</sup> The Journeyman Barber, April, 1911, p. 81.

<sup>8</sup> Amalgamated Sheet Metal Workers' Journal, November 15, 1902, p. 178.

<sup>9</sup> Proceedings, 1905, p. 341.

union rules always ended in defeat, and he attributed the failure of many national organizations to their lack of good discipline.<sup>10</sup> In 1886 the president asserted that independent strikes were one of the great drawbacks to the welfare of the union.<sup>11</sup> In the early history of the union, before a firm system of discipline had been developed, such statements are often found in the reports of officers. In 1902 the president of the Molders reported that fourteen hundred members in Chicago, contrary to the rulings of the national executive board, had gone on an independent strike. He admitted that as a result of the strike an increased wage had been obtained in some thirty or forty foundries, but declared that there were some six or ten others, among them the largest and best in the city, which had been lost and were then being operated as non-union shops.<sup>12</sup> During the industrial depression following the panic of 1873, local unions of the Cigar Makers entered recklessly upon strikes to prevent reductions in wages, without the international union having authority to restrain them. In three years the union lost sixty-seven local unions and nearly three thousand members, emerging from the depression with only seventeen local unions and a membership of about one thousand.<sup>13</sup>

It is probable, however, that the great majority of local unions fall to pieces simply from inanition. The union is started under the influence of an organizer's persuasiveness or under the stress of some grievance. With the settlement of the grievance, the need for organization is no longer felt; with the departure of the organizer, the union is left to shift for itself. Its members are probably unaccustomed to conducting such bodies, and wise leadership, which above all things is necessary, may or may not be present. Some members may be anxious to strike for improved conditions at once. If they triumph, the results which have just been depicted are likely to follow. On the other hand, if a

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<sup>10</sup> Iron Molders' Journal, September, 1875, p. 425.

<sup>11</sup> Proceedings, 1886, pp. 8-9.

<sup>12</sup> Proceedings, 1902, p. 614.

<sup>13</sup> T. W. Glocker, "Government of American Trade Unions," in Johns Hopkins University Studies, ser. xxxi, no. 2, p. 111.



policy of inactivity is adopted, many are likely to lose faith in the union as an effective means of bettering their condition; interest wanes, meetings are unattended, dues are not paid, and the union goes out of existence.

It is desirable, therefore, that newly established local unions should not be thrown entirely upon their own responsibility at once. Education in the principles, aims, and methods of trade unionism, encouragement in the work of building up the local union before making demands for better conditions, instruction concerning the duties of members as such or concerning the rules of the organization and the proper methods of conducting the union—for example, the manner of keeping accounts, and the correct procedure in the handling of grievances—all these may prove valuable means of preventing the disintegration of inexperienced local unions. Something may be done in this connection when the union is first installed, if that work is performed by a regular officer or a representative of the national union. Further instruction may also be provided through literature published by the national union. For instance, the Metal Polishers issue a little pamphlet of some forty pages, entitled "Know your Union." It is published especially for new members, and contains instructions along the lines mentioned above. But far more effective than any printed instructions would be a personal visit from time to time from a representative of the national union, whose contact with the new members might not only serve to instruct, but also to stir up interest and enthusiasm. The secretary of the United Textile Workers, an organization which has found it especially difficult to maintain the integrity of its local unions, asserted in 1903 that, if there had been occasional visits from some official representative, many of the local unions that went out of existence through want of education, encouragement, and instruction would have been saved.<sup>14</sup> Statements of a similar nature are found in the literature of other unions such as the Bakers and Confectioners, the Barbers, and the Hod Carriers.

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<sup>14</sup> Proceedings, 1903, pp. 14-16.

*The Value of a Strong National Union.*—For protection against the dishonesty or irregularity of local management, for the prevention of indiscriminate and often disastrous strikes, and for encouragement and instruction to struggling local unions, a strict supervision by the national union provides a valuable means. The officers of the national body, being selected from a wider range of choice than are the local officials, may naturally be expected to possess greater competence than the latter. They are men who have had experience in trade unionism; they have a wider outlook; they are not so likely to be carried away by their feelings as are local officers under the stress of a grievance; and they are better qualified to take into consideration the conditions in their trade or the state of industry as a whole before entering upon any contest with an employer. Moreover, if they are paid regular salaries so that they can devote their entire time to trade-union affairs, they develop a facility and expertness in dealing with employers that may be woefully lacking in the local officials. Thus the president of the United Textile Workers warns local unions against taking too much responsibility upon their own shoulders in regard to trade agreements, signing up wage scales, or acting on disputes with employers without first consulting the international union. "Many disputes," he says, "that have appeared serious at times have been amicably settled by the efforts of our International Union when those of the local union had failed."<sup>15</sup>

As national unions have increased in power, the supervision exercised by them over local unions has constantly tended to increase in strictness and in extent. The attempt is made to prevent dishonesty or irregularity in the local finances by the requirement, in some cases, of periodical auditing by local committees of the books kept by local officers.<sup>16</sup> In some unions the supervision has gone still further, provision being made for the audit of local books by regular national officers. This, for example, is done by the

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<sup>15</sup> Proceedings, 1910, p. 18.

<sup>16</sup> Sakolski, p. 146.

Cigar Makers, the Molders, the Barbers, the Teamsters, and the Bakers and Confectioners. The great majority of national unions also endeavor to exercise some degree of supervision over their local unions in regard to the calling of strikes. A recent writer states that one hundred and thirteen national unions make some attempt to regulate strikes. Eighty-one of these maintain a control only over strikes supported by the funds of the national union,<sup>17</sup> while twenty-nine of them require that no strikes, whether supported from local or national funds, may be declared without the consent of the national authorities.<sup>18</sup> The regulations of the Molders afford us a good example of the stricter sort of supervision. Before a local union of this organization may enter upon a strike there must be a three-fourths vote of the members present at a local meeting in favor of striking; then the grievance must be submitted to the international president, who must investigate either personally or by deputy; if no settlement is secured in this way, the matter must be submitted to the international executive board before a strike may be declared; if a strike is entered upon without the approval of this body, it is considered sufficient provocation for suspension from the international union at the option of the president and the executive board.<sup>19</sup>

Something is also done by national unions in the way of assistance and encouragement to struggling local unions. As was pointed out in an earlier chapter, the work of national organizers is not confined to starting new local unions, but partly consists in visiting established local unions and helping them to solidify and extend their membership. In 1887 the secretary of the Railroad Trainmen reported that the preceding year had been spent in visiting and instructing subordinate lodges rather than in organizing new ones.<sup>20</sup> The reports of most organizers show that a part of their time is spent in such work.

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<sup>17</sup> Glocker, p. 112.

<sup>18</sup> *Ibid.*, p. 116.

<sup>19</sup> Constitution, 1912, art. vii, sec. 2.

<sup>20</sup> Proceedings, 1887, p. 18.



In addition to these important regulative and supervisory functions of the national unions, such central bodies perform other invaluable services in organizing new local unions, in maintaining stability in organization, and in overcoming the employer's opposition. Since these topics have been discussed fully in the preceding chapters, it is necessary in this connection simply to point out briefly the utility of a strong national union in accomplishing such purposes. The national union, as we have seen, provides an agency under the direction and financing of which means can be provided for the extension of organization in places where unions may not spring up spontaneously. It may also provide a national insurance system that should prove a more attractive feature to many individual members than does local insurance, since, under the latter system, the large number of those who travel from city to city usually lose their rights to benefits until they have been members of the new local union for a period of six months, more or less. Then again, although the protection afforded, or the closed shop maintained, under a system of independent local unions might constitute no less effective inducements to the individual to join the union and maintain his membership therein than the same features provided through the national union, nevertheless the latter provides a more efficacious instrument for accomplishing these purposes of trade unionism in that it possesses greater power in combatting the opposition of employers. Thus strikes may be better financed through a national union than through separate local unions. Here the national union possesses the same advantage that a central reserve bank possesses in a banking system. Resources can be pooled and expended at the point where the greatest need exists. For example, the United Mine Workers spent over \$400,000 for strike expenses in Alabama for the year December 1, 1907, to November 30, 1908, although the membership of the union in that State<sup>21</sup>

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<sup>21</sup> Proceedings, 1909, Report of Secretary.

was at the time less than 3000. Finally, under a system of independent local unions the undue multiplication of boycotts or union labels would weaken the utility of both of these devices as methods of overcoming the employer's opposition.

*The Cost of Secessions.*—The tendency in the trade-union experience of this country, as regards the form of organization, has been toward the dominance of the national union. There is at present in the United States no trade or industry which has been organized to any extent in which no national union exists. But some national unions have experienced considerable difficulty in securing the affiliation or preventing the secession of various local organizations. For instance, this has been especially true of the Teamsters, the Hod Carriers, the Textile Workers, and the Longshoremen.

The history of the organizing of the teamsters is replete with accounts of secessions of local unions from the national organization. The original national organization of the teamsters was known as the Team Drivers' International Union. The charter to this union was issued by the American Federation of Labor in January, 1899, there being eight local unions at the beginning. The formation of other local unions took place very rapidly. At the convention of the union in 1901, however, the Chicago local unions protested against the admission of team owners (that is, owners of more than one team) and against an increase in the per capita tax from five to twenty-five cents. As a result of the disallowance by the convention of these protests, the first important secession of the teamsters took place. A dual organization was formed, known as the National Teamsters' Union, which made great headway, obtaining, it was claimed, a membership of some twenty-five or thirty thousand members in four or five months. Through the good offices of the American Federation of Labor the two organizations succeeded in uniting again in 1903 and forming a

new organization, the present International Brotherhood of Teamsters.<sup>22</sup>

In 1906 in the convention at Chicago the second important secession occurred. Thirty-nine local unions from New York, Chicago, St. Louis, and several other cities, with a membership of over 8000, seceded and formed the United Teamsters of America.<sup>23</sup> At about the same time Local Union No. 85 of San Francisco stopped paying its per capita tax. This union was not brought back into the international union until 1910. Its importance is shown by the fact that at this time it had a membership of approximately 2000 and resources of about \$95,000.<sup>24</sup> In December, 1908, an agreement was approved by the executive board of the International Brotherhood of Teamsters, whereby the seceding United Teamsters of America became reaffiliated with the international union. But all was not peaceful and harmonious yet. Shortly before this there had been another revolt of some local unions in Chicago, which formed an organization called the Chicago Teamsters and Helpers.<sup>25</sup> In New York also at about this time another revolt occurred. According to a report of Vice-President Hoffman in 1910, there were as many as twenty-six seceding local unions in this city, with an aggregate membership of at least 8000 teamsters. Mr. Hoffman was successful in getting these unions to reaffiliate with the international union,<sup>26</sup> but in August, 1914, the Chicago Teamsters, with a membership of about 9000, were still unaffiliated.<sup>27</sup>

Among the hod carriers and building laborers of the country there have been, in addition to the national union recognized by the American Federation of Labor, two other organizations of some importance. With three national unions in the field competing for jurisdiction, none of great

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<sup>22</sup> Magazine of International Brotherhood of Teamsters, August, 1906, p. 19.

<sup>23</sup> Proceedings, 1907, pp. 36-37.

<sup>24</sup> The Teamsters, June, 1910, p. 3.

<sup>25</sup> Proceedings, 1910, pp. 24-33, Report of President.

<sup>26</sup> Ibid., p. 83, Report of Vice-president.

<sup>27</sup> Interview with Daniel J. Tobin, president, Indianapolis, August 28, 1914.



power, and thus unable to add enough to the strength of a local union to make it worth while for the latter to burden itself with a per capita tax to the former, a great number of the local unions, particularly those that are largest and strongest, have preferred independence to affiliation with any national union.

While we have no statistics in regard to the total number of independent hod carriers' and building laborers' unions, nevertheless we can be reasonably certain that they have been numerous and important. In March, 1907, the president of the Hod Carriers and Building Laborers' International Union reported that there were in New York, Brooklyn, and Manhattan something like twenty-two independent unions of hod carriers. Out of this number he had been successful in affiliating with his own organization only eight.<sup>28</sup> At the convention of the Building Trades Department of the American Federation of Labor in 1909, where it was being urged that there should be a reorganization of the hod carriers so as to get all of them into one national union, the secretary of the committee on the president's report stated that there were large organizations of hod carriers in industrial centers from New York to San Francisco which were not affiliated with the international union; that one of these on the Pacific Coast had \$55,000 in its treasury; and that the independent local union in Chicago had 14,000 members. The president of the Hod Carriers and Building Laborers' International Union, who was present, did not deny these statements, but said that the international organization had been unable to secure the affiliation of these local unions.<sup>29</sup>

In the case of the United Textile Workers and of the Longshoremen there has been considerable difficulty in preventing secessions and in securing the affiliation of all of the local unions in the crafts. It has been stated: "One difficulty which besets the textile workers lies in contentions

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<sup>28</sup> Official Journal [Hod Carriers and Building Laborers], March, 1907, p. 15.

<sup>29</sup> Proceedings, Building Trades Department, 1909, pp. 65-70.

between different branches of the trade. If a local becomes dissatisfied with the national management, or, as national officials believe is often the case, if it is unwilling to pay assessments, it is easy for it to secede."<sup>30</sup> In October, 1910, the secretary of the union reported that since the convention of 1906, when the membership of the union was 13,569, about 6000 members had seceded for one cause or another.<sup>31</sup> In 1907 it was reported that there had been two important withdrawals from the Longshoremen. One of these was that of the Marine Firemen, Oilers, and Watertenders, Local No. 124, with a membership of 2300. The other was that of a number of local unions on the Pacific Coast, which formed the Longshoremen of the Pacific,<sup>32</sup> representing a membership, it was claimed by one writer, of about 10,000 men.<sup>33</sup> In 1909 the reaffiliation of the latter unions was secured; thirty-eight unions on the coast received charters from the international union.<sup>34</sup> The Longshoremen have also experienced difficulty in securing the affiliation of various independent organizations.

Practically all unions have had secessions at times or have been unable to secure the affiliation of certain independent unions. Where such difficulties are frequent, however, organization must suffer. We are not considering here the evils which arise from open conflicts, but simply such as result from failure to combine all local unions of a craft in one national union. Organization suffers because the national union, embracing only part of the organized workers of the trade or industry, is weaker than it might be, and thus its efficiency as an agency in supplying the factors just discussed is impaired. For it is apparent that the stronger the national union, the greater are its possibilities in the way of sending out organizers, supervising local unions, and

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<sup>30</sup> Andrews and Bliss, p. 176.

<sup>31</sup> Proceedings, United Textile Workers, 1910, p. 20.

<sup>32</sup> Proceedings, International Longshoremen's Association, 1907, pp. 26-27.

<sup>33</sup> Proceedings, 1909, p. 107.

<sup>34</sup> Proceedings, 1910, pp. 23-24.

combatting the opposition of employers, all of which methods are desirable for the rapid extension and stable maintenance of organization.

The four unions which have just been considered have all been handicapped in the work of organization by lack of adequate funds. For instance, there were in 1910 over 780,000<sup>35</sup> teamsters in the United States. For the twenty-six months from July 1, 1910, to September 1, 1912, there was spent by the International Brotherhood of Teamsters \$63,064.22,<sup>36</sup> for salaries of general officers and organizers and other organizing expenses, which may be considered as expenses for organizing and supervision. In contrast to this, the United Mine Workers, whose jurisdiction embraces an approximately equal number of workmen,<sup>37</sup> spent during the two years, December 1, 1910, to December 1, 1912, \$482,190.22<sup>38</sup> on salaries and expenses of officers and organizers, which may also be considered as expenses for organizing and supervision. Now during this period the average membership of the Teamsters was approximately 45,000, while that of the United Mine Workers was 250,000. It is obvious that the latter needed a far larger sum for purposes of supervision, but that there was, on the other hand, just so much less need for organizing work. It is evident, therefore, that there is plenty of opportunity for greatly increased expenditures on the part of the International Brotherhood of Teamsters. Consequently, for the purpose of extending organization, it is eminently desirable that every substantial, existing union contribute its due portion of revenue. The failure of the Chicago Teamsters, with 9000 members, to affiliate with the International Brotherhood and pay the per

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<sup>35</sup> L. Wolman, "Statistics on Trade Unions, 1910," in Appendix to *Quarterly Journal of Economics*, vol. xxx, no. 3, p. 620.

<sup>36</sup> Proceedings, 1912, Report of Secretary, pp. 37-41.

<sup>37</sup> The total number of coal employees in the country was only about 640,000. However, there are a very considerable number of teamsters working in small towns where there would not be enough to form a local union. Therefore, roughly speaking, we are not far from correct in speaking of the number subject to organization as approximately equal to the number of coal employees.

<sup>38</sup> Proceedings, 1912, and 1913, reports of the secretary.



capita tax of fifteen cents per month deprives the latter of a yearly revenue of over \$16,000, part of which might be used for extending organization in other cities besides Chicago.

*High Dues and Reserve Funds.*—A national union realizes efficiency in performing the functions which have been set forth as desirable for it to perform, not only in proportion to the ability possessed by the personnel of the management and the extent to which it is successful in securing the support of existing local organizations, but also in proportion to the amount of revenue which it is able to secure for the purpose of carrying on its work. In fact, as will be pointed out, the provision of adequate financial resources for the national union is an invaluable means of securing good management and a united national organization. Recognition of the desirability of high dues and a large reserve fund is widespread among trade-union leaders. Mr. Gompers and other officials of the American Federation of Labor have repeatedly urged such a system. President Perkins of the Cigar Makers declared in 1914 that high dues and a chain of benefits are an absolutely necessary foundation for successful trade unionism.<sup>30</sup>

Practically all of the activities of the national union that have heretofore been considered—the employment of regular paid officials, such as organizers, adjusters, and auditors; the publication of literature; the provision of benefits; the financing of strikes; the advertising of the union label; the entering into competition with an employer—require the expenditure of considerable sums of money. It is not possible to state what is the minimum revenue on which a national union can be conducted with proper efficiency. This would vary with the conditions which each trade has to meet. It is certain, however, that the revenue of many national unions is insufficient to enable them to perform adequately the functions which it is desirable for them to undertake. For instance, according to the 1914 report of

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<sup>30</sup> Letter in *International Hod Carriers and Building Laborers' Journal*, December, 1904, pp. 13-14.

the American Federation of Labor, only 73 of the 110 national unions affiliated with that organization pay insurance benefits of any sort, and many of these are exceedingly small in amount. Unions with a small revenue like the Hod Carriers, the Longshoremen, and the Teamsters, with a monthly per capita tax of only fifteen cents, sometimes complain that they are unable to answer all the calls for organizers because of a lack of adequate funds. In the Brotherhood of Painters, Decorators and Paperhangers the per capita tax to the national union is thirty cents per month, fifteen cents of which goes to the death and disability fund, leaving a like amount for all other purposes. In his report in 1913 the secretary of this union declared: "The revenue of the General Office is not adequate. Our efforts to more thoroughly organize the trade, to assist locals struggling for better conditions are hampered, often frustrated, by lack of funds."<sup>40</sup> Insufficient financial resources, therefore, may be said to interfere with those activities of the national union which are desirable for bringing new members into the organization, for maintaining stability, and for overcoming the opposition of employers.

Moreover, a union with large resources is less likely to suffer from the evils of poor managerial ability or from lack of unity and discipline than a poverty-stricken organization. It is true that many capable leaders have devoted their services to labor organizations with little or no compensation; but, with large resources, a union is better able to keep on hand an adequate staff of trained officials or to provide local unions with efficient management through subsidized business agents. The International Typographical Union employs a number of "representatives" for the purpose of investigating disputes of local unions with their employers and of adjusting such difficulties. A number of these are expert officials receiving regular salaries. For the year June 1, 1913, to May 31, 1914, the total expenditures

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<sup>40</sup> Reports of General Officers to the eleventh convention, 1913, p. 59.

for these purposes was \$35,032.89.<sup>41</sup> Attention has already been called to the fact that the Molders subsidize the business agents of their Conference Boards, and that the same policy has been followed to some extent by the Teamsters, the Hotel and Restaurant Employees, the Pattern Makers, and the Metal Polishers. In 1899 the Machinists adopted the practice of paying half of the expenses of local business agents. In 1903 thirty of these agents were employed at an average cost to the international union of about \$1300. In spite of its cost, this system was considered by the union as a profitable investment, for, as President O'Connell stated in his report for 1903, "in nearly every instance where a business agent is in the field our organization is active, energetic, and our membership has been at least permanent, if it did not show signs of increase."<sup>42</sup> In 1911 the president reported that for the preceding two years the grand lodge had paid fifty per cent of the salaries and expenses for fifty-one local business agents at a cost of \$69,460.17.<sup>43</sup>

It has been pointed out in another connection that the general organizer of the Textile Workers asserted that it was becoming increasingly difficult to obtain efficient officers, and that no doubt organizations could be formed in many branches of the industry provided efficient business agents could be supplied. He went on to say that, under the system of the Textile Workers as it then (1908) existed, it was impossible to supply business agents. He thought that an increase in the revenue of the national organization was desirable in order that such officials might be placed in charge of local unions.<sup>44</sup> Probably much might be done in the way of preventing the disintegration of many local unions if efficient business agents could be supplied or partly supported by the national union until the local union had obtained sufficient resources to support an agent alone, or

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<sup>41</sup> Reports of Officers, International Typographical Union, 1914, pp. 19-20.

<sup>42</sup> Sakolski, p. 107.

<sup>43</sup> Report of President, in Machinists' Monthly Journal, October, 1911, p. 974.

<sup>44</sup> Proceedings, 1908, p. 51.



had at least become adequately instructed and had been sufficiently seasoned to manage its affairs without any paid agent at all. Inadequate financial resources must always hinder a union in such a policy.

A large reserve fund in the hands of the national union also provides the most efficacious method of maintaining discipline and solidarity in organization. Where there is a large national reserve fund, to threaten a local union with expulsion for an illegal action carries real weight, since, if the expulsion takes place, the local union loses its rights to any interest in that reserve fund. Under a strongly centralized system of finance, the Molders have finally achieved very strict discipline. In 1907 the president of the union stated that the term 1902 to 1907 showed a "history replete with striking illustrations of staunch discipline under the most trying circumstances."<sup>45</sup> At the following convention in 1912 he reported that for the term 1907 to 1912 discipline had been more nearly perfect than ever before in the history of the union.<sup>46</sup> In the early history of the Molders, however, before the national union possessed adequate financial resources and was able to guarantee authorized strikers sufficient benefits, this organization was frequently troubled with unsanctioned strikes.<sup>47</sup> President Perkins of the Cigar Makers declared in 1904 that before the establishment of a system of high dues his union was constantly involved in strikes of varying success, but that at that time, with a reserve fund of \$500,000, there were few strikes.<sup>48</sup>

A large reserve fund also exerts a strong influence in preventing secessions of disaffected local unions from the national body, and is likewise an attraction to independent unions to affiliate. For these reasons President Keefe of the Longshoremens urged upon the members of his union

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<sup>45</sup> Proceedings, 1907, p. 14.

<sup>46</sup> Proceedings, 1912, p. 14.

<sup>47</sup> See "History of the Union," by J. P. Frey, editor, in *International Molders' Journal*, July, 1909, pp. 443, 444.

<sup>48</sup> Letter of G. W. Perkins to Secretary Stemburgh of the Hod Carriers, in the *International Hod Carriers and Building Laborers' Journal*, December, 1904, pp. 13-14.

that they establish a system of high dues. He cited the cases of the withdrawal in 1907 of the Marine Firemen, Oilers, and Watertenders with a membership of 2300, and of the Longshoremen of the Pacific at about the same time; and declared that the difficulty was that, with the small financial resources of the national union at that time, there was little inducement to make it worth while for these unions to maintain their affiliation, and similarly there was no inducement for independent organizations to come in.<sup>49</sup>

It should be noticed that the four unions which were discussed as being especially troubled in preventing secessions or in securing the affiliation of independent unions, namely, the Hod Carriers, the Longshoremen, the Teamsters, and the Textile Workers, are all unions with comparatively low per capita taxes and small resources. Before 1907 the highest per capita tax paid to the United Textile Workers was fifteen cents per month. At the convention in that year it was provided that the per capita tax for unions chartered subsequent to this should be twenty cents per month.<sup>50</sup> In the other three unions the per capita tax has never been over fifteen cents per month. The balances in the treasury have also been small. On September 30, 1913, the balance of the Hod Carriers was \$29,467.18;<sup>51</sup> on July 1, 1914, that of the Longshoremen was \$29,811.95;<sup>52</sup> on September 30, 1914, that of the Textile Workers was \$1253.17.<sup>53</sup> In October, 1913, the balance in the national treasury of the Teamsters was \$118,182.57,<sup>54</sup> but before July 1, 1910, the reported balance had never been as much as \$25,382.71,<sup>55</sup> the amount which it reached on that date. Compare this with a per capita tax of twenty-two cents per week<sup>56</sup> paid by the Molders and a balance in the treasury of that union on June

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<sup>49</sup> Proceedings, Longshoremen, 1907, pp. 25-28.

<sup>50</sup> Constitution, 1907, rule xi, sec. 2.

<sup>51</sup> Quarterly Report, International Hod Carriers and Building Laborers' Union, July, August, and September, 1913.

<sup>52</sup> Proceedings, 1914, p. 37.

<sup>53</sup> Proceedings, 1914, p. 42.

<sup>54</sup> The Teamsters, October, 1913, back cover.

<sup>55</sup> Proceedings, 1910, Report of Secretary.

<sup>56</sup> Constitution, 1912, art. vi, sec. 3.

30, 1912, of \$487,761.23;<sup>57</sup> or with the balance of the Typographical Union, amounting to a total of \$929,355.80 on May 31, 1914.<sup>58</sup>

*Benefit Systems.*—One of the chief advantages to be found in a system of benefits maintained by the national union is its influence in increasing the strength and the disciplinary powers of the central body. This has been well expressed by Sidney and Beatrice Webb: "In a strong and well organized union, the existence of important friendly benefits may become a powerful instrument for maintaining discipline among the members, and for enforcing upon all the decisions of the majority. If expulsion carries with it the loss of valuable prospective benefits, such, for instance, as superannuation, it becomes a penalty of great severity. Similarly, when secession involves the abandonment of all share in a considerable accumulated balance, a branch momentarily discontented with some decision of the majority thinks twice before it breaks off in a pet to set up as an independent society. Thus the addition of friendly benefits has been, on the whole, a great consolidating force in Trade Unionism."<sup>59</sup>

The existence of a good system of insurance benefits is also a force making for conservatism. A large reserve fund in the hands of the national union provides it, as we have seen, with an effective weapon for enforcing discipline over the local unions. However, a union with a large reserve fund but with no benefit system is not likely to be so conservative as a union with important benefit features. In the former case the fund may seem, as the Webbs say, to be "eating its head off, so to speak. The men become im-

<sup>57</sup> Proceedings, 1912, p. 92.

<sup>58</sup> Report of Officers, International Typographical Union, 1914, p. 18. The membership of these unions in 1913 was as follows:

Hod Carriers .....	19,687
Longshoremen .....	22,000
Teamsters .....	52,622
Textile Workers .....	20,000
Molders .....	50,000
Typographical Union .....	55,614

<sup>59</sup> Industrial Democracy, 1902, pp. 158-159.



patient to use it; so a demand is made on the employers, irrespective perhaps of the circumstances of the trade. A strike follows. The members live on their fund for a few weeks, and when it is exhausted they give in."<sup>60</sup> On the other hand, under a system of benefits, members feel that they have other advantages accruing from membership besides the obtaining of better wages and better working conditions from their employers. They know that they will lose these benefits if the funds of the organization are dissipated in strikes. Consequently they tend to be less hasty in making demands upon employers. The statistics for the International Cigar Makers' Union,<sup>61</sup> given below, show that as the expenditures of the union for various insurance features increased, those for strike purposes have, on the whole, declined. The figures are given for the total of the first ten years for which they were available and for the last ten.

TABLE II

COST OF STRIKE AND OTHER BENEFITS IN THE CIGAR MAKERS' INTERNATIONAL UNION

Years	Cost of strike benefits per member	Cost of all other benefits per member <sup>62</sup>	Total cost per member for all benefits
1879-1888.....	\$33.23	\$19.80	\$53.03
1902-1911.....	12.60	87.19	99.79

One of the principal objections made to elaborate systems of benefits is that they tend to make the union too conservative in its trade policy. Thus Secretary William Mosses of the United Pattern Makers of Great Britain, speaking upon this subject before the Pattern Makers' League of North

<sup>60</sup> Industrial Democracy, pp. 159-160.

<sup>61</sup> These statistics were calculated from the Report of President Perkins to the Twenty-second Convention, 1912, p. 19. There is an error in this report. The cost per member of strike benefits for the year 1887 is given as \$6.74. It should be \$0.674. Allowance for this has been made in my calculation.

<sup>62</sup> "All other benefits" include sick, death and total disability, and out-of-work benefits. For the first two years covered in the above statistics there were no sick or death and total disability benefits. There were no out-of-work benefits for the entire ten years of the first period.

America, said: "We had a delegate meeting of our society last July and we sat there in session for nine days and there was not a single minute of that time devoted to discussing or improving the conditions of employment; the whole time of that meeting was spent in considering the question of contributions and benefits, and in trying to devise how we could lower our contributions; not a single word was said as to improved conditions of employment so far as the trade in Great Britain is concerned, and that is the danger of all organizations who cater to beneficial features."<sup>63</sup> In the United States, however, it would seem that there are few unions that have fostered their beneficial features to such an extent as to make this danger a pressing one.

*Jurisdictional Disputes.*—Finally, in order that trade unionism may realize its maximum efficiency in the work of extending and stabilizing organization through the exercise of the various functions which we have been considering, it is desirable that none of the energies or resources of organized labor be dissipated through internal discord and controversies. Here we come upon the evils of the so-called jurisdictional disputes, to which, assert the Webbs in speaking of English experience, is due nine tenths of the ineffectiveness of the trade-union world. In this country also there can be no doubt that these disputes have been widespread and of frequent occurrence. A recent writer on jurisdiction in American building-trades unions has analyzed the cost of such disputes to trade unions under three headings: (1) loss of money, (2) impairment of organization, (3) the creation of hostile public opinion.<sup>64</sup>

(1) Often the direct monetary loss to unions involved in lengthy jurisdictional controversies is a very important item of expenditure. The United Association of Plumbers reported in 1908 that it had spent about \$53,000 in a fight with the Steam Fitters in Toronto.<sup>65</sup> The Elevator Constructors, a union with about 2000 members, estimated that they had

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<sup>63</sup> Proceedings, Pattern Makers, 1913, p. 64.

<sup>64</sup> Whitney, p. 125.

<sup>65</sup> Ibid., pp. 126-127.

spent about \$75,000 in less than ten years for these disputes.<sup>66</sup> Exact statements of cost are difficult to obtain since unions do not differentiate these expenditures in their accounts, but utterances of union officials convey the impression that in many unions the money losses due to jurisdictional disputes are heavy. In addition to the losses involved through the direct outlay of money, there should also be taken into consideration the indirect loss resulting from the wasted time and energy of union officials in handling these controversies. For instance, the secretary of the Teamsters asserted in 1902 that for the preceding year one half of his time had been taken up in settling jurisdictional disputes.<sup>67</sup> No one can read the proceedings and journals of the Amalgamated Association of Sheet Metal Workers without feeling that a considerable part of the time of the officers of this union must be taken up in adjusting the numerous jurisdictional disputes with which the organization is afflicted.<sup>68</sup> All the money and energy expended by trade unions in attempting to settle these disputes mean just that much loss in their efficiency in overcoming the opposition of employers, in establishing new organizations, or in providing the requisite supervision or carrying out the necessary policies for the maintenance of stability in organization.

(2) Jurisdictional disputes also tend to destroy the solidarity of the trade-union movement. From the reports of President Tobin we get a vivid idea of the havoc which has been wrought in the organizing of the teamsters through the numerous dual union controversies among these workmen. Speaking of the independent local unions in Chicago, Mr. Tobin said: "In February, 1911, Organizer McArthur was shot in the office of the milk wagon drivers' union, by,

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<sup>66</sup> Whitney, p. 127, note.

<sup>67</sup> Proceedings, 1902, in *Team Drivers' Journal*, September, 1902, p. 12.

<sup>68</sup> In 1911 the secretary of the Sheet Metal Workers, speaking of the inability of the organizers to devote much of their time to the actual work of organizing, said that one of the ways in which their energies had been diverted was in fighting the numerous jurisdictional disputes (Proceedings, 1911, in *Amalgamated Sheet Metal Workers' Journal*, September, 1911, p. 367).



in my opinion, a hired assassin. There have been armed bands of the worst kind of lawbreakers representing the dual organization going around the district of Chicago beating our men off wagons, threatening them in their homes, and in every other disgraceful and unchristian-like manner attempting to disrupt our union in that district."<sup>69</sup> In New York City, he reported, conditions were nearly as bad as in Chicago. "It was a continual struggle for our unions to obtain better conditions because of the fact that the representatives of the independent union in New York and vicinity were always ready to present a wage scale asking less wages than our membership desired."<sup>70</sup> Again in 1910 he stated: "For the past two years it has been at certain times almost a death struggle in our organization, continual fighting, continual wrangling, continual splits, mainly brought about by former officers of this organization."<sup>71</sup> Dr. Whitney asserts that "as the result of jurisdictional controversies, local unions frequently refuse obedience to their national officers, local building trades councils seat and unseat delegates regardless of the commands of the national Building Trades Department, and the city federations defy the American Federation of Labor."<sup>72</sup> It is obvious that by this friction the efficiency of trade-union machinery must be materially lessened.

Sometimes we see the evil results of these disputes more concretely displayed. For instance, in 1912 the largest local union of the Sheet Metal Workers, Number 11 of New York, with a membership of 2500, was destroyed as a result of a jurisdictional controversy with the United Brotherhood of Carpenters.<sup>73</sup> Commenting on a jurisdictional dispute in Denver, originating between the Amalgamated Society of Carpenters and the United Brotherhood of Carpenters in 1909, President Kirby of the Building Trades Department

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<sup>69</sup> Proceedings, 1912, pp. 9-12.

<sup>70</sup> Ibid.

<sup>71</sup> Proceedings, 1910, p. 33.

<sup>72</sup> Whitney, p. 129.

<sup>73</sup> Amalgamated Sheet Metal Workers' Journal, December 19, 1912, p. 453.

said, "The result of the fight has been the almost complete disorganization of one of the best organized cities in the United States, and a condition created that has held us up to ridicule throughout the country."<sup>74</sup>

(3) A consequence of jurisdictional disputes of probably as evil influence as the two which have just been considered is their harmful effect upon public opinion.<sup>75</sup> Public sympathy may go out to a group of mine or textile workers whose grievances are real or who are known to be struggling simply for a "living wage," and a powerful and conservative organization may have the respect of the public, but the public has little sympathy or respect for men who impede industry simply because they cannot come to any understanding among themselves as to who is to do a certain kind of work, when all that the public is interested in is that the work shall be done by somebody. The ordinary business man, not concerned with the underlying causes of these disputes or appreciating the difficulty of settling them, looks upon them as due to the contentiousness of union agitators; and inasmuch as the operations of industry are through them needlessly interrupted, he finds therein a justification of his opposition to trade unionism as it is conducted.

As a refutation of the foregoing contention in regard to the injurious effects of jurisdictional disputes it will not suffice to point out the fact that in the building industry, where such disputes are most frequent, some of the unions are among the strongest in any industry. In the first place, there is still considerable room for growth in the building-trades unions. It has been calculated that only about sixteen per cent<sup>76</sup> of those working in the industry are members of unions, and that even the Bricklayers and Masons, which is

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<sup>74</sup> Whitney, p. 134.

<sup>75</sup> Attention has already been called to the influence which public opinion may exert in bringing about the settlement of a strike or in determining the legality of the boycott. In a later chapter a more thorough analysis of the effect of public opinion on organization will be attempted. For the present, however, suffice it to say that it is a factor of great importance.

<sup>76</sup> L. Wolman, "Statistics on Trade Unions, 1910," in *Quarterly Journal of Economics*, vol. xxx, no. 3, p. 612.

one of the strongest unions, have enrolled as members only about forty per cent<sup>77</sup> of those working at the trade. Of course the control over the industry exercised by these unions is much stronger than such figures would indicate, since many of the non-members are inferior workmen whose competition has little effect upon the members of the union, and many others are scattered about in rural districts where there is little or no attempt to bring about organization. Nevertheless, as is evident from the expressions of officers of such unions as the Sheet Metal Workers, the Painters, and the Hod Carriers, there is still a large field for organization in these trades; and this is obviously also true of some of the others that are less well organized. Even the Bricklayers and Masons have considerable opportunity for further organizing in the South, where the union is much weaker than it is in the northern States.

In the second place, it should be remembered that in many respects the workers in the building industry are among the most advantageously situated of all workers for the purpose of effecting organization. The explanation of this leads to an anticipation of some of the analysis that is to follow; but for the sake of clearness it should be stated that the workers in the building industry possess the following important advantages for organizing: (1) most of the workers are skilled mechanics; (2) the workers are not highly specialized, and hence possess greater mobility; (3) the great majority of the employers are comparatively small capitalists; (4) the employer as a rule cannot stand a long stoppage of work and, therefore, most strikes are short; (5) the sympathetic strike can be employed with facility. The presence of these great positive advantages, operating in one direction, prevents us from perceiving clearly the operation in the other direction of the relatively minor factor, jurisdictional disputes. Nevertheless, this is no reason for declaring that this element is of no importance and that it has had no effect in hindering the more rapid growth of organization.

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<sup>77</sup> Wolman, *Statistics on Trade Unions*, 1910, p. 618.



The influence of this factor could be best perceived if, following a much used method for the study of economic causes, we could go to what may be called the margin of organizability, that is, to that union which is just hovering between life and death, and notice the effect of jurisdictional disputes here. Such a union, however, it would in practice be impossible to pick out. The best that we can do is to consider some union that lies more or less close to the margin. The Teamsters answer fairly well for this purpose. Here the laborers are unskilled and have not enjoyed the same advantages in the way of sympathetic support as have the trades in the building industry, although they have suffered, as we have seen, through the giving of this support to others. Of over 780,000 teamsters in the United States in 1910 only something over 68,000 or 8.8 per cent were organized. The description which has been given of the incessant turmoil and continuous internal dissensions within the Brotherhood of Teamsters would seem to show that these disputes have had an important influence in hindering the growth and stability of the union, and would help us to account for the low percentage of organization among the teamsters as a whole.

## CHAPTER V

### THE EMPLOYEES IN THE TRADE OR INDUSTRY

In seeking to explain the differences in the extent of organization among various classes of workmen account must be taken of two fundamentally important sets of factors. In the first place, there are certain subjective factors, that is, certain characteristics of the workmen themselves, which affect materially the success which is met with in the attempt to bring about organization. On the other hand, the securing of organization is largely influenced by what may be called objective factors, that is, the conditions under which the laborer carries on his work, such as the size of the business in which he is employed, or the technical development of the trade or industry in which he is engaged. In the present chapter we shall be concerned with the former set of factors, that is, the characteristics of the workmen themselves, which cause the peculiar difficulties met with in organizing certain classes of workers.

It is a well-known fact among students of trade unionism that the greatest success in organization has been among skilled workers, and that attempts to organize the unskilled workers, if not failures, have at least been far less successful than attempts to organize the skilled. The Industrial Workers of the World bring this as one of their principal indictments against trade unionism; and Dr. Wolman, after an exhaustive investigation of the extent of organization in the United States in 1910, came to the conclusion that the great bulk of organization in that year was to be found among the skilled workers, and that the low percentage of organization in industry as a whole was to be attributed to the inability of labor unions to organize the unskilled. An examination of the extent of organization among women

in industry leads to the conclusion that here also there has been a problem of especial difficulty in the way of organizing. Thus, according to Dr. Wolman's figures, although the percentage of organization in industry as a whole was 5.5, 6.8 per cent of the men engaged in gainful occupations were organized, but only 0.9 per cent of the women.<sup>1</sup> Moreover, when we compare the extent of organization of men and women in particular occupations, we find that with few exceptions the organization of the women is below that of the men.<sup>2</sup> Then again, we find from time to time statements of trade-union officials that organization in the South is comparatively weak. In this case the problem is principally that of the negro laborer. Finally, trade unionists seek in many instances to explain the failure to organize certain industries by the presence in them of large numbers of immigrants, the organizing of whom presents, they claim, a problem of great difficulty.

It is evident that none of these classifications of workers—unskilled, female, negro, or immigrant workers—is exclusive of all the others. Unskilled workers make up the majority of the other three classes, and many female workers are immigrants. For this reason it is best not to attempt the analysis of the organizability of each group separately, since to do so would involve much wearisome repetition. But, bearing in mind the requisites for successful organization which have heretofore been considered, it seems advisable to point out the more important characteristics which it is desirable that workmen should possess if organization is to make the greatest progress, and at the same time to

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<sup>1</sup> L. Wolman, "The Extent of Labor Organization," in *Quarterly Journal of Economics*, vol. xxx, no. 3, p. 499. Making deduction from the total number of persons engaged in industry of certain persons because they are not readily susceptible of organization, Dr. Wolman comes to the conclusion that of those persons, male and female, whom trade unions are making some attempt to organize, 18.4 per cent were in unions, of the females only 4.1 per cent. Deductions were made for such persons as employers, farm laborers, domestic servants, clerks, and so on, and for males under 20 years of age and females under 16 (*ibid.*, p. 504).

<sup>2</sup> *Ibid.*, pp. 514-515.



show to what extent these characteristics are lacking among workers who belong in one or more of the four above-mentioned groups.

Before proceeding with this discussion, however, it should be noted that the strategical situation of unskilled workers for the purpose of industrial warfare is on the whole decidedly less favorable than that of skilled workers. The success of a union in enforcing its demands depends upon the extent to which it has control over the labor supply in its particular occupation, since, if an employer is easily able to fill the places of those on strike, it is evident that the whole movement fails in its purpose. But the ability of the union to maintain this control is greatly affected by the extent of the sources from which the necessary labor supply can be drawn. In a trade such as that of the stereotypers and electrotypers, where there are only a few thousand workers in the entire country, all highly skilled and permanently attached to their craft, it is a comparatively easy matter to secure effective control over the labor supply. The number to be organized is small, and when organization is once effected there are no outside sources from which a new labor supply is quickly available. When we come to the lowest types of unskilled labor, however, such as the common laborer, and especially the so-called "floating laborer," the difficulties in obtaining control are enormously multiplied. Here the sources of supply for any particular industry are numerous. There are no sharp limits to the number of men available for any one kind of work, but there is a sort of common pool from which various industries may be supplied. The common laborers employed in railroad construction, in irrigation work, in lumber camps, on the docks, in the mines, in the steel plants, or on the farms do not constitute a clearly defined class in each instance, but may be, and to a considerable extent are, shifted from one industry to another as the necessity occurs. In order, then, for a union to obtain control over the labor supply in any one of these industries comparable to the con-

trol exercised by a union like the Stereotypers and Electrotypers, it would be necessary to organize not merely the one industry, but the hundreds of thousands of laborers engaged in all the industries.

The sources of supply are still further widened in the United States by the constant flow of immigrants, most of whom—in the case of the more recent immigration from southern Europe—were agricultural laborers in their native lands and work as unskilled laborers in this country. Of the 7,048,953 immigrants admitted during the twelve years from 1899 to 1910 and reporting an occupation, 35.9 per cent were laborers, and 23.4 per cent were farm laborers.<sup>3</sup> These immigrants may in the course of time make good unionists, but at first they usually are ignorant of trade unionism, and thus leave open for the employer a large source of non-union labor.

It is true, however, that in any contest with employers, unskilled laborers, though standing in an inferior strategic position as compared with skilled workmen, may under certain circumstances be able to put the employers to considerable inconvenience and thereby gain concessions. If several thousand unskilled workers should go out on strike, without doubt an employer would ultimately be able to supply their places much more easily than would usually be the case with a strike of an equal number of skilled workers. Nevertheless, even in the case of unskilled workers it might be several weeks before the employer could bring his working force up to its full complement. In the great strike in the packing houses of Chicago in 1904 it was asserted that it was the skilled cattle butchers making fifty cents an hour who were the first strikers to be replaced. This was done by bringing in these workmen from the branch houses of the great packing companies in other cities. It was declared, however, that the products handled by the so-called unskilled men were allowed to go to waste because the packers could not find experienced workers to care for

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<sup>3</sup> Reports of the Immigration Commission, "Statistical Review of Immigration 1820-1910," S. Doc. No. 756, 61st Cong., 3d Sess., p. 96.

them. The strike was in progress some six weeks before the packers were able to open their smoke houses, the laborers in which are supposed to be unskilled.<sup>4</sup>

From the standpoint of organization, therefore, it is particularly desirable for unskilled laborers that the employer shall find it necessary to end the strike quickly. In this respect it would seem, for example, that such unskilled workmen as longshoremen and teamsters must possess an advantage over unskilled laborers in the iron and steel industry. The report of the United States Commissioner of Labor for 1906 shows that of the 5665 establishments in which strikes occurred in freight handling and teaming from 1881 to 1905, the average number of days closed per establishment was only 6.5; while of the 1219 establishments in which strikes occurred in the iron and steel industry, the average number of days closed per establishment was 39.5.<sup>5</sup> In each case practically an equal percentage of the strikes were successful.<sup>6</sup> Now, during these years the union in the iron and steel industry embraced only skilled workers, so that it is evident that the strategical disadvantage under which the freight handlers and teamsters labored on account of their lack of skill was compensated for by the necessity on the part of the employers of bringing about a quick settlement of the strike; but the unskilled laborers in the iron and steel industry, acting alone, would labor under both disadvantages.<sup>7</sup> It has already been noted what a superior position

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<sup>4</sup> Official Journal [Amalgamated Meat Cutters and Butcher Workmen], December, 1904, pp. 3, 4, 7.

<sup>5</sup> Twenty-first Annual Report of the Commissioner of Labor, 1906, p. 47.

<sup>6</sup> *Ibid.*, p. 81. In freight handling and teaming the strikes succeeded in 25.49 per cent of the establishments in which they occurred; in the iron and steel industry they succeeded in 25.12 per cent.

<sup>7</sup> Of course it must be borne in mind that we can draw no hard and fast line between skilled and unskilled workers, that between the common laborer and the highly skilled artisan there are workmen with various gradations of skill and experience, and that the greater the degree of skill and experience, the less pronounced become the above-mentioned strategical disadvantages. Because, however, of the extreme difficulty of making any practical estimates of degrees of skill, no attempt will be made here to enter into this refinement of the discussion.



the garment workers occupy in this respect in comparison with the textile workers.

Although unskilled workers have frequently been able to force concessions from their employers, it has proved a difficult matter to build up strong, stable organizations among them. We have classified workmen in regard to their attitude toward trade unionism as positive unionists, negative unionists, and anti-unionists. An examination of the experience of unions that have to deal with large numbers of unskilled, female, or immigrant workers shows that, on the whole, these workers should be grouped among the negative unionists; that is, they are not steadfast unionists as a matter of principle, nor are they actually opposed to organization, but their attitude is characterized rather by ignorance and indifference. Speaking broadly, we may say that ordinarily they are not much interested in organization, but that frequently, when some particular grievance arises, they will join the ranks of the unions by hundreds and thousands. The difficulty in organizing them seems to be not so much to get them into the union as to hold them in it.

Attention has already been called to the fact that the Maintenance of Way Employees initiate thousands of men into their union whom they are unable to hold; that the same thing is true, although to a lesser degree, of the Tobacco Workers; and that the principal difficulty with the Teamsters has been their inability to hold together the many local unions which they form. All of these unions are made up principally of unskilled workmen. Among the Textile Workers also we have seen that upon numerous occasions thousands of workmen have gone on strike and for a time perhaps have swelled the ranks of the union. Little permanent organization resulted, however, and the union of the Textile Workers is still very weak. We have also observed like occurrences among the Garment Workers. Here also organization is very often only temporary. In 1908 Secretary Larger stated that annual strikes occur among the tailors with about five thousand union and non-

union men on strike. On each occasion of a general strike large numbers of tailors join the union merely because of the general strike, but pay only one month's dues. The next year finds them again on a general strike for the same improved conditions they struck for the previous year and apparently won. Nine tenths of the new members who are secured in such annual strikes drop out, Secretary Larger says, and never pay more than fifty cents dues.<sup>8</sup> Although by no means all of the textile or garment workers are unskilled, a great number of them are in this class. In both of these industries a large proportion of the workers are women and immigrants. One of the characteristics noticed by Andrews and Bliss in their study of organization among women was "the great and sudden fluctuations in membership found in the statistics of women in unions."<sup>9</sup> In the anthracite mining industry about forty-five per cent<sup>10</sup> of the workers are unskilled, and here also the number of immigrants employed is very large. In an earlier chapter were given statistics showing how the membership of the union fluctuated in the anthracite districts from 1900 to 1911. President Mitchell said in 1908 that there was no discrimination against members of the union, and that the action of thousands of them in leaving it or in refusing to become members of it was due entirely to apathy and indifference, supplemented by a fallacious belief that it was necessary to establish a strong organization only on the eve of the expiration of their contract with the operators.<sup>11</sup>

We can now turn to a discussion of those characteristics which it is desirable that workmen should possess if successful organization is to be accomplished, and to a study of

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<sup>8</sup> Proceedings, 1908, p. 30.

<sup>9</sup> Andrews and Bliss, p. 142.

<sup>10</sup> According to the thirteenth census (1910), the total number of men sixteen years of age or over employed in anthracite mines was 170,257. Of this number 12,272 were engineers, firemen, and mechanics; 83,156 were miners and miners' helpers; 74,829 were classed as "all other wage earners." This latter group, constituting about 45 per cent of the total, is made up mostly of unskilled workers (Thirteenth Census, vol. xi, p. 29, Mines and Quarries).

<sup>11</sup> Proceedings, 1908, pp. 28-29.

how the absence of some or all of them makes it especially difficult to establish firm and stable unions among the classes of workers whom we have under consideration.

(1) It is desirable that workmen should have the ability to foresee the possibilities of future gains through organization and should be willing to undergo present sacrifice in the expectation of realizing these gains. Many of the advantages obtained through organization do not come immediately, but only after a number of years of continuous pressure exerted upon employers. Therefore, the greater the power of workmen to visualize these advantages and the willingness to pay dues in order to obtain them in the future, the more likely will they be to stick steadily to the union, instead of joining it merely when a strike is on, for the sake of obtaining an immediate advantage. The possession of these qualities depends upon the general intelligence of the worker and upon the permanence of employment in the particular occupation in which he or she is engaged.

As we go down among the lower classes of workers, persons whose education is very limited or whose intelligence is inferior, it is only natural that distant gains to be achieved through organization should make little appeal. Either they are not thought of at all, or they seem so remote that they have little influence in inducing the workman to give up part of his present real enjoyments for the sake of far-away and uncertain improvements. Even though the future advantages to be attained through organization may be clearly perceived by the workman, there may be little willingness on his part to undergo present sacrifice through the payment of dues if he himself will reap no personal gain from these advantages when they are obtained. This would be true if his employment in the occupation were for only a comparatively short time. The work of many unskilled laborers is largely of this temporary kind; for example, the laborers on railroad construction work, on timber cutting, on irrigation ditches, or on the docks are many of them the so-called floating laborers who drift around from one job to



another, never remaining long at any one. The president of the Longshoremen stated that on the Atlantic Coast and the Gulf the coast-steamer longshoremen were mostly floating laborers and were difficult to organize.<sup>12</sup> The secretary of the Seamen's Union stated that the same thing was true of deck hands on steamers.<sup>13</sup> The number of these floating laborers has been estimated all the way from two to five millions.<sup>14</sup> Many of the recent immigrants belong to this class. They are unmarried or have left their wives and families abroad, and they have no property or other restraining influence to attach them to a community.<sup>15</sup> Although no accurate estimate can be given, it is certain that the number in this shifting, mobile working class is large. No statistics are available in regard to the permanency of the work of the various classes of male laborers. It is certain, however, that among most of the lower grades of workmen employment in one particular occupation is far less permanent than among the highly skilled.

Of the great majority of women in industry it is certainly true that they look upon their work as only a temporary occupation. "Young women of the working classes almost universally look upon their future marriage as probable, and few of them expect, in the event of marriage, to continue as wage-earners. It is true that among certain classes and races of immigrants, and also among textile workers generally, there are many women who expect to work at a trade after marriage; but these are exceptional cases. It is also true that some considerable proportion of the women in trade unions are married; but these facts do not affect the general situation."<sup>16</sup> The secretary of a local union of

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<sup>12</sup> Interview with T. P. O'Connor, Buffalo, September 10, 1914.

<sup>13</sup> Interview with Thomas A. Hanson, Chicago, September 4, 1914.

<sup>14</sup> These guesses are given in an article on the "Floating Laborer" by Will Irwin in the *Saturday Evening Post*, May 9, 1914, p. 50. Mr. Irwin's article was based upon material collected by Peter Alexander Speek for the United States Commission on Industrial Relations.

<sup>15</sup> Abstracts of Reports of the Immigration Commission, vol. i, S. Doc. No. 747, 61st Cong., 3d Sess., pp. 499-500.

<sup>16</sup> Andrews and Bliss, p. 140.

garment workers in Buffalo stated that the great majority of girls in her union did not stay at the trade over one year.<sup>17</sup> Doubtless this estimate is too high for the industry as a whole, but it indicates the tendency. It is stated by telephone officials that the average period of employment for telephone operators is about three years.

The inferior capacity of the less intelligent workman to visualize clearly the future advantages to be obtained from organization, and the unwillingness to make present sacrifice for the sake of future gain, which is due to the temporary character of the employment of many unskilled laborers, and especially of women in industry, may be set down as partly accounting for the fact that although these workers will join the union when an immediate objective is in view, they have on the whole been signally unsuccessful in establishing strong permanent organizations.

It is frequently urged by trade-union leaders that this difficulty of maintaining permanent unions must be overcome by educating the laborers as to the necessity for such organizations. Doubtless much may be done by education, but several obstacles hamper considerably the success of such a policy. The principal channels for the education of the trade unionist are the union meeting and union literature. Many of the unskilled workmen, however, lack interest enough to take advantage of these channels. For example, in 1909 Vice-President Lewis of the United Mine Workers reported that it was a well-known fact that, except in a crisis, a majority of the members took little interest in the organization and seldom attended meetings.<sup>18</sup> Such complaints are common among trade-union leaders. Likewise, when a subscription price is charged for the union journal, complaint is sometimes made of the lack of interest of the members who fail to subscribe.<sup>19</sup> Much more would undoubtedly be accomplished if the journal were

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<sup>17</sup> Proceedings, United Garment Workers, 1906, p. 69.

<sup>18</sup> Proceedings, 1909, p. 68.

<sup>19</sup> See, for example, report of secretary in Proceedings, United Mine Workers, 1914, p. 210.

given gratis to each member, as is done in many unions. But in the great industries like mining, textile work, steel work, slaughtering, and meat packing, where a great number of the unskilled workers are of mixed races, speaking numerous languages, it would be an extremely expensive matter to supply all the workers steadily with literature in their own language.

Again, in those industries employing a great number of workers whose occupation is only temporary, the policy of education would lose a large part of its value, for probably as soon as the worker had been imbued with the proper union spirit he would be about ready to sever his connection with the industry. Where the worker simply passes over into some other industry, this education would not be wasted. But where there is a constant entrance into the industrial ranks of large classes of laborers whose stay is only temporary and who then withdraw, to be replaced by another relay of workers, the difficulties in the way of education are greatly enhanced. This is true in the case of women, most of whom, as we have seen, are only temporarily employed in industry. It is also true of a large section of the immigrant workers. Since July 1, 1907, the Immigration Bureau has kept a detailed record of the emigration or outward flow of aliens as well as of the immigration or inward flow. These records show that for the three fiscal years 1908, 1909, and 1910 the number of aliens coming in was 2,576,226, the number going out, 823,311; in other words, 32 returning for every 100 admitted.<sup>20</sup> This ebb and flow of workers was greatest among the common laborers. Thus 535,151<sup>21</sup> laborers are reported as having entered and 487,998<sup>22</sup> as having departed during the three years, or 91 returning for every 100 admitted. For the two years 1908 and 1909, however, the number entering this country was smaller than usual on account of the depression following

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<sup>20</sup> Report of the Immigration Commission, "Statistical Review of Immigration 1820-1910," p. 383.

<sup>21</sup> *Ibid.*, p. 178.

<sup>22</sup> *Ibid.*, p. 377.



the panic of 1907. For the same reason it is probable that the number departing was greater than usual. But it is known that for a considerable period of years the emigration movement has been approximately one third as great as the immigration movement,<sup>23</sup> so that, at all events, a large proportion of the immigrant laborers in this country are only temporarily connected with our industrial life. More than 81 per cent of the total number leaving the country during the three years 1908, 1909 and 1910, and reporting length of residence, had been here not over five years.<sup>24</sup>

(2) It is desirable that the members of the union be able to conduct its affairs with honesty, foresight, and conservatism. The absence of these qualities, as we have seen, has frequently resulted in the break-up of local unions. In the possession of these qualities we should naturally expect workmen of the lower grades to be more lacking than highly skilled artisans; and such expectations are borne out by experience. It is, of course, probable that every union has at times suffered from dishonesty or bad management, but the most frequent instances of these evils are to be found among the unskilled workmen. The prevalence of dishonesty among the Hod Carriers and Building Laborers and among the Hotel and Restaurant Employees has already been pointed out. The members of the former union are certainly unskilled workmen; and the members of the latter, mostly bartenders, can hardly be classed as highly skilled. In the Brotherhood of Teamsters we find from the reports of the traveling auditor that in the unions examined by him, which in no year constituted over half of the total number of local unions, there was for the seven years from 1906 to 1912 an average per year of ten local secretaries who were short in their accounts. The secretary of the Amalgamated Meat Cutters and Butcher Workmen—a union which before the disastrous strike of 1904 was made up principally of unskilled workmen—reported that after

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<sup>23</sup> Report of the Immigration Commission, "Statistical Review of Immigration 1820-1910," p. 372.

<sup>24</sup> *Ibid.*, p. 374.

that strike, defalcations followed rapidly one after another until the union was notified by the bonding company that in the future no more bonds would be issued except at double the previous rates. He stated that something over one hundred treasurers defaulted, twenty-seven of them inside of sixty days.<sup>25</sup> In 1900 the secretary of the Tobacco Workers, a union likewise made up of unskilled workers, reported: "I am sorry to say it, but there are very few of our local unions that have escaped the hand of some rascally financial officer or has [have] not met with losses by placing in office some one who is no more fit to have charge of the financial affairs of a union than he would to be president of a national bank. This is often done by a ring or clique, who have friendship in view, in place of the competency of the candidate for office."<sup>26</sup>

It is in the nature of things a difficult matter to make comparisons between different unions in regard to so intangible a thing as the degree of managerial ability displayed. A priori, we should say that on the whole among unskilled workers, who have less education and training and are less accustomed to thinking for themselves, this ability is inferior to that shown by skilled mechanics. Attention has already been called to the fact that the secretaries of the Car Workers and of the Brick, Tile and Terra Cotta Workers complained that their chief hindrance in effecting firm organizations among unskilled foreigners was their difficulty in obtaining competent leadership. This was likewise said to be the case to some extent among the Textile Workers. The Teamsters also have suffered much in the past from poor management. An editorial in "The Teamster" in 1910 asserts that a large local union in San Francisco had withdrawn from the international union five years before because of "the flagrant violations of the laws, with dishonest intentions on the part of the International organization, which at that time was dominated by the unworthy C. P. Shea, who was acting as General President, and in con-

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<sup>25</sup> Proceedings, 1906, p. 25.

<sup>26</sup> Proceedings, 1900, in *The Tobacco Worker*, October, 1900, p. 19.

sequence of said misgovernment the teamsters of the country became sadly demoralized and disunited."<sup>27</sup> Representatives of independent hod carriers' unions at a conference in 1910 demanded that the administration of the international union be changed as a condition of their affiliation, claiming that it was deceitful and incompetent and that it catered to one element.<sup>28</sup>

Something may be done in the way of overcoming this dearth of managerial ability by the employment of outside officials. Sidney and Beatrice Webb cite several cases of this in English trade-union experience. "For instance, Henry Taylor, the coadjutor of Mr. Joseph Arch in organizing the agricultural laborers in 1872, was a carpenter; Mr. Tom Mann, for two years salaried President of the Dock, Wharf, and Riverside Laborers, is a member of the Amalgamated Society of Engineers; whilst Mr. McHugh, for some time General Secretary of the National Union of Dock Laborers, is a compositor."<sup>29</sup> An instance of the employment of an outside official by a union in this country is found in the case of the Hod Carriers. On February 17, 1909, the secretary of this union, having been found short in his accounts, resigned from office. There was no one in the union, President D'Alessandro reported, immediately available for carrying on the duties of the office. He therefore appealed to Mr. Gompers, as president of the American Federation of Labor, for assistance. Mr. Gompers allowed the union the services of General Organizer Jacob Tazelaar of the Federation from February 17 to May 1, free of charge. After that Mr. Tazelaar was continued in office on full salary till June 19.<sup>30</sup> Employment by unions of men outside of the craft as regular officials is, however, a very unusual occurrence in this country, although it should be noted that much outside managerial assistance may be sup-

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<sup>27</sup> The Teamsters, June, 1910, p. 7.

<sup>28</sup> Proceedings, Building Trades Department, 1910, pp. 30-32, Report of President Kirby.

<sup>29</sup> The History of Trade Unionism (new ed., 1911), p. 462, note.

<sup>30</sup> Proceedings, Hod Carriers, 1909, in Official Journal, October, 1909, p. 187.



plied to local unions of unskilled laborers through the organizers of the American Federation of Labor. These organizers are engaged not only in starting new local unions, but in building up these unions, in conducting negotiations with employers, or in assisting in any other way in which they can be of use. The president of the Hod Carriers speaks thus of the work of these officers: "These faithful workers have been the means of organizing for and affiliating with us many Local Unions, and have also reinstated Locals that had grown careless in the payment of their dues to the International Union, and were drifting along independent of any National or International organization.

"These men have assisted us in other ways. Many of them have been the means of establishing peace and harmony between the employers and the employees; they have assisted in making agreements satisfactory to contractor and laborer; they have given courage and strength to many a member of our organization who had become disheartened; they have inspired the half-hearted union man with the true spirit of unionism."<sup>81</sup> The organizers of the American Federation of Labor perform similar services for many unions, among which are unions of unskilled workmen, including the numerous federal labor unions and local unions directly affiliated with the Federation.

A deficiency in managerial ability on the part of unskilled workmen may also be overcome in case these workmen are organized in the same union with the skilled workers in the industry. This is true in industrial unions, which include both skilled and unskilled workmen. In a union like the United Mine Workers, where all of the employees in and about a coal mine are organized into one local union, the unskilled workmen share in the benefit derived from whatever superior intelligence and ability in conducting the affairs of the organization the skilled workmen may possess.

(3) It is desirable that there be willingness and ability on

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<sup>81</sup> Proceedings, 1909, p. 187.

the part of members to contribute adequate dues to the support of the union. In this way, as has been shown, it becomes possible for the union to build up a strong reserve fund, to maintain better discipline and unity, and to supply a system of benefits, gaining thereby all the advantages that accrue from these things. Furthermore, local unions of unskilled workmen, where managerial capacity is smallest, are the very ones which should have the greatest amount of supervision, control, and instruction from the officers of the national union, whom, on the whole, we may expect to be of greater ability than the ordinary local official. In spite of their greater need, however, unions of unskilled workers are the very ones that are least capable of supplying these wants. This is due to the fact that such workers are, on the whole, the most poorly paid class of laborers, and consequently are less able and less inclined to contribute any large sum for the support of their unions. Even their entire wage may place their income very close to the so-called subsistence minimum. Can we wonder, for example, that a group of textile workers in the cotton mills of New England, where the median weekly wage for women is between \$6 and \$6.99 and for men between \$7 and \$7.99,<sup>32</sup> are little inclined to contribute any large portion of it as trade-union dues? Insufficiently supplied with funds, the union of the lower grades of workmen is handicapped in doing those things the performance of which might add greatly to its strength and stability.

If the reader will call to mind the four unions which were considered in connection with the study of the weakness in national unions resulting from inadequate financial resources—the Hod Carriers, the Longshoremen, the Teamsters, and the Textile Workers—it will be noticed that in each case the union is composed entirely, or in large part, of unskilled or slightly skilled workmen. The per capita tax to the national union, it will be remembered, was fifteen cents per

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<sup>32</sup> "Report on Women and Child Wage-Earners in the United States," vol. i, in S. Doc. No. 645, 61st Cong., 2d Sess., p. 305. The figures are for a representative week.

month in the case of the first three unions and twenty cents per month in the case of the last. The unions have experienced great difficulty in raising the tax even to these amounts. In 1911 an attempt was made at the convention of the Longshoremens to lower the tax to ten cents; it failed by a vote of only 75 to 54½.<sup>33</sup> The Teamsters had their first great split in 1901 largely because of the raising of the per capita tax from five to twenty-five cents.<sup>34</sup> When an amalgamation took place, the rate was lowered to fifteen cents. Officers of the Hod Carriers have from time to time complained that the cause of their failure to secure the affiliation of certain independent unions was the "cheap dues" of these bodies and their unwillingness to pay the necessary per capita tax to the international union.<sup>35</sup> In 1904 the president of the Textile Workers reported that, while a few of the local unions, notably the Mulespinners and the Loom-fixers, had learned by experience the necessity of paying high dues in order to build up a union worthy of the name, others had gone along for years paying such low dues that they did not then and never would amount to anything.<sup>36</sup> In 1902 he reported that some local unions were paying dues of not more than ten cents per month.<sup>37</sup>

Just as the unskilled workman is little disposed to stick permanently to the union because he is concerned mostly about immediate gains and comparatively little about the future, so for the same reason it is difficult to make him see the necessity of building large reserve funds, which are a form of provision for the future. Similarly, insurance, which is likewise a form of saving, is not likely to prove attractive to him. At any rate, because of his small income, he is less capable than is the skilled workman of paying adequate dues for any substantial insurance. Of the

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<sup>33</sup> Proceedings, 1911, pp. 135, 140-142.

<sup>34</sup> Team Drivers' Journal, March, 1902, p. 3.

<sup>35</sup> See reports of general president in Official Journal, November, 1906, p. 6, April, 1907, p. 5.

<sup>36</sup> Proceedings, 1904, p. 3. The mulespinners and the loom-fixers are among the more skilled of the textile workers.

<sup>37</sup> Proceedings, 1902, p. 9. At this time (1902) the per capita tax to the national union was only five cents per quarter.



four unions of unskilled workmen which we have been considering, two, the Teamsters and the Longshoremen, have no national benefit features at all; and in the other two, the Hod Carriers and the Textile Workers, the benefits provided are extremely small. According to the report in the proceedings of the American Federation of Labor for the year 1914, the total benefits paid during the year by the former amounted to \$5100 and by the latter to \$2600, or about twenty and fifteen cents per member respectively. This may be compared with an expenditure per member of about \$13.80 by the Cigar Makers and \$5.60 by the Molders.<sup>38</sup>

We cannot judge with absolute certainty from the statistics of trade unions of the comparative attractiveness of benefits to skilled and unskilled workmen. The majority of American trade unions provide some sort of benefits; but with the exception of the railroad brotherhoods and a few unions like the Cigarmakers, the Molders, the Street Railway Employees, and recently the Typographical Union, the amounts paid are for the most part small. A number of unions of skilled workers provide no national benefits, so that we cannot prove statistically that it is the unskilled character of the workmen which prevents the establishment of benefit systems. On the other hand, at least one union of comparatively unskilled workers, the Hotel and Restaurant Employees, has fairly large national benefits, as benefits run among American trade unions. According to the 1914 report of the American Federation of Labor, they amounted to an annual expenditure of about \$2.40 per member. It is safe to say, however, that on the whole the largest expenditures for national benefits are made by unions of skilled workers, while the unions of unskilled workers pay either very small benefits or none at all.

The willingness to pay large dues in order to supply the union with adequate resources and to provide for benefits is also largely affected by the temporary character of the worker's employment. The individual, expecting to be out

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<sup>38</sup> Proceedings, 1914, p. 29.

of the occupation soon, is not particularly interested in building up a large reserve fund for use several years hence, when he will probably no longer be engaged in that kind of work. It is doubtless this temporary character of the employment of a great number of workers in the garment industry that is largely responsible for their unwillingness to pay high dues. In 1906 the president of the United Garment Workers complained that all referendums submitted in the past which meant no expense to the membership were always carried, while those for an increased per capita tax for such things as label agitation and organization were always voted down.<sup>39</sup> At the convention of the union in 1910 a special committee recommended that, as a nucleus for the formation of a strike fund, a quarterly assessment of twenty-five cents should be levied on each member, the amount so collected to accumulate for a period of two years. This was concurred in by the convention and later submitted to a referendum vote. It was defeated, however, by a vote of 5700 to 3606.<sup>40</sup> In 1906, when an effort was being made by the national union to increase dues, the secretary of a large local union in Buffalo declared that on account of the transient and consequently uneducated (as regarded unionism) quality of the female membership it would be impossible to increase dues in that union. "But," it was stated, "if you wish higher per capita, regardless of whether we disrupt the Local or not, we will at least try to collect it."<sup>41</sup>

It is also probable that where employment in the occupation is only temporary, benefits will be less attractive than where it is permanent. Old-age pensions, it is obvious, could offer no inducement at all. Sick, death, and unemployment benefits might be provided. But if they were offered with the usual requirement that a continuous membership of six months more or less was necessary before the

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<sup>39</sup> Proceedings, 1906, p. 21.

<sup>40</sup> Proceedings, 1912, p. 11, Report of President.

<sup>41</sup> Proceedings, 1906, p. 69, Report of Secretary of Local Union No. 231.

rights to them accrued, it is clear that their attractiveness to those employed in the occupation for only a year or two would be much diminished. On the other hand, if this requirement were omitted, it is equally clear that the benefits would lose much of their power to bind members steadily to the union, since no accumulated advantages would be lost through suspension. The committee on organization of the National Women's Trade Union League reported in 1913 that the past attempts in Chicago and New York to reach Italian girls through benefit associations and other social attractions had not been a success as an inducement to join the organization, and it urged that in the future these girls be appealed to on trade-union lines.<sup>42</sup>

(4) It is desirable that there should be social congeniality among the workers who are to be united in the same organization. In the United States there are two important factors which in some cases prevent this accord. These are the mixture of various white races, and the presence of whites and negroes in the same occupations in the South. Frequently the complaint is made by trade-union officials that racial prejudices form a great hindrance to organization. For instance, in 1901 the general organizer of the Barbers reported the following state of affairs in Hoboken, New Jersey: "The trouble is that our craft is about equally divided between Germans and Italians. The Italians are willing to organize with Germans, but the Germans would have nothing to do with the organization if the Italians could get in."<sup>43</sup> Dr. Roberts, speaking of the mixture of races in the anthracite coal fields, says: "This racial pride, equally strong in each race, is the cause of many conflicts between these men when they meet over their cups. . . . It has its influence upon the industry. The Pole and Lithuanian will not work together. Foremen have to study national proclivities and prejudices with regard to the productive efficiency of groups of employees under their management. In large towns, where the mine employees live,

<sup>42</sup> Proceedings, 1913, p. 24.

<sup>43</sup> Barbers' Journal, July, 1901, p. 146.



the various races form colonies and generally keep within the limits of the section appropriated by them.”<sup>44</sup> In 1901 President Mitchell of the United Mine Workers declared that the companies took advantage of circumstances such as these, and “used every possible influence to arouse religious and racial prejudices and to prevent the men from uniting in a common cause against a system which was depriving them of their manhood and causing an abandonment of hope in their hearts.”<sup>45</sup> It is charged by Mr. Gompers that the United States Steel Corporation has deliberately pursued the policy of employing workmen speaking various foreign tongues in order to thwart attempts at organization, and he asserts that “with languages not easily understood and various tongues spoken in a single steel plant, it is not to be wondered that the workers’ comprehension of rights to which they are entitled comes as an exceedingly slow process.”<sup>46</sup>

A decided obstacle to organization in the South has been the presence of the great number of negro laborers working in the same occupations as the whites, and the racial prejudice existing in that section. In a few unions the national rules forbid the admission of negroes.<sup>47</sup> Most of these, however, with the exception of the Maintenance-of-Way Employees, are unions in occupations where the number of negroes is probably very small, so that this exclusion cannot be considered as responsible in any large measure for the difficulties in organization. The trouble is that, although most of the national unions have nothing in their constitutions to prohibit the admission of negroes, local prejudice

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<sup>44</sup> P. Roberts, *The Anthracite Coal Communities*, pp. 24-25.

<sup>45</sup> *Proceedings*, 1901, p. 33.

<sup>46</sup> *Proceedings*, American Federation of Labor, 1912, p. 28.

<sup>47</sup> Mr. Booker T. Washington in an article in the *Atlantic Monthly*, June, 1913, p. 756, on “The Negro and the Labor Unions,” mentions nine such unions: International Brotherhood of Maintenance-of-Way Employees; Switchmen’s Union; Brotherhood of Railroad Trainmen; Brotherhood of Locomotive Firemen and Enginemen; Brotherhood of Locomotive Engineers; Order of Railway Conductors; Order of Railway Telegraphers; American Wire Weavers’ Protective Association; and the International Brotherhood of Boiler Makers, Iron Shipbuilders and Helpers of America.

against them has been a severe handicap to the growth of the unions.

The most usual form of local discrimination is the refusal on the part of the whites to belong to the same union with the negroes. This causes especial difficulty in organizing small towns, since there may be here an insufficient number of either whites or negroes to form separate unions. Organizers of the Barbers<sup>48</sup> and of the Sheet Metal Workers<sup>49</sup> have complained of this difficulty, and undoubtedly the same trouble has been experienced by other unions. Sometimes a negro will be admitted to a local union in one town, and then, upon removal to another place, will be rejected. An organizer of the Bricklayers reported in 1905 that this state of affairs existed in Richmond, Norfolk, and Newport, Virginia, and he asserted that it was being used as an effective argument against the union by bricklayers all over North Carolina.<sup>50</sup> In 1903 a resolution introduced at the convention of the United Mine Workers declared that certain local unions in Kansas were refusing to receive transfer cards on account of color, thereby causing demoralization in the work of organizing.<sup>51</sup> Similar experiences have occurred among the Painters and the Carpenters.<sup>52</sup> Even in places where there are enough whites and negroes to form separate local unions, the organization of the latter has sometimes been prevented through the refusal of an established union of whites to give its consent to the chartering of a separate union of negroes. Dr. Wolfe mentions instances of this among the Bricklayers and other unions.<sup>53</sup> Racial prejudice prevents the local union from admitting negroes to its own ranks; and the desire to maintain complete jurisdiction over the local territory causes it to oppose the chartering of another union at the same place.

<sup>48</sup> Journeyman Barber, August, 1910, p. 203.

<sup>49</sup> Amalgamated Sheet Metal Workers' Journal, January, 1905, p. 8.

<sup>50</sup> Bricklayers, Fortieth Annual Report of President, for term ending December 1, 1905, p. 158.

<sup>51</sup> Proceedings, 1903, pp. 515-516.

<sup>52</sup> F. E. Wolfe, "Admission to American Trade Unions," in Johns Hopkins University Studies, ser. xxx, no. 3, p. 129.

<sup>53</sup> Ibid., pp. 127-128.

Strong complaints and vigorous protests are heard from trade-union leaders concerning this racial prejudice and its disorganizing effects. In 1906, for instance, James Kirby, at that time president of the Structural Building Trades Alliance, asserted: "I might say that in the South where we have most difficulties it is brought about by the race question. The white man of the South does not feel able to associate with the colored man unless he wants the colored man to assist him."<sup>54</sup> In 1904 the president of the Maintenance of Way Employees declared: "They [the workmen] do not object to their industrial masters fixing the same rate of pay and the same standard of living for white men and negroes, even if the rates of pay are so low that it compels them to bring their children up in ignorance, but they are opposed to acting in concert with the negro in such a way as to promote their mutual interests."<sup>55</sup> Such complaints can be heard from the officials of many unions that have a considerable negro element to deal with.

To recapitulate the problem of organizing unskilled workers, it may be said that, generally speaking, they stand in an inferior strategic position in carrying on any lengthy struggle with an employer, and that, although they may by striking gain concessions from employers, the formation of stable and permanent organizations among them is impeded by (1) their greater tendency to consider only immediate gains, (2) the poorer quality of managerial ability among them, and (3) their inability and unwillingness to contribute high dues. These factors, in turn, may be said to be due to (a) the lower intelligence of unskilled workers, (b) the often temporary character of their employment in particular occupations, and (c) their lower wages.

In the case of women in industry, as far as they may be classed as unskilled workers the same analysis applies. With them, however, the over-shadowing difficulty lies in the temporary character of their employment.

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<sup>54</sup> Proceedings, Hod Carriers and Building Laborers' International Union, 1906, p. 2, address by James Kirby.

<sup>55</sup> Proceedings, 1904, in *The Advance Advocate*, December, 1904, p. 910.



In the case of negroes also, as far as they are unskilled workers, the same analysis holds. Here in addition is found the difficulty caused by racial prejudice. The question also arises whether the negro as such is any more difficult to organize than the white man. The opinions of trade-union leaders differ upon this matter. Some assert that the negroes make good union men and others say just the contrary. Mr. Booker T. Washington states that, in answer to his query to a number of trade unions as to whether negroes on the whole make good union men, he received out of a total of fifty-one only two replies in the negative.<sup>56</sup> He himself, however, thought that the negro was not naturally inclined toward trade unionism. He says:

Another thing which is to some extent peculiar about the Negro in the Southern states, is that the average Negro is more accustomed to work for persons than for wages. When he gets a job, therefore, he is inclined to consider the source from which it comes. The Negro is himself a friendly sort of person, and it makes a great deal of difference to him whether he believes the man he is working for is his friend or his enemy. One reason for this is that he has found in the past that the friendship and confidence of a good white man, who stands well in the community, are a valuable asset in time of trouble. For this reason he does not always understand, and does not like, an organization which seems to be founded on a sort of impersonal enmity to the man by whom he is employed.<sup>57</sup>

We have no statistics of trade-union membership as a whole in the various States from which we might judge the effect upon organization of the large number of negro artisans in the South. A consideration of the statistics of membership in trade unions among the bricklayers, masons, and plasterers, however, gives evidence of the fact that the presence of the negro has been a deterrent element in the growth of trade unionism. In Table III a comparison is made of the extent of organization in ten States where the negro bricklayers and masons form twenty-five per cent or over of the total number of such workmen with the extent of organization in ten other States where the negro is an unimportant factor. In order to eliminate the influence of

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<sup>56</sup> Washington, p. 756.

<sup>57</sup> Ibid., pp. 756-757.

the concentration of population in cities, each State was compared with another State where the percentage of bricklayers, masons, and plasterers in towns of 25,000 or over was approximately the same.

TABLE III

COMPARISON FOR SELECTED STATES OF EXTENT OF ORGANIZATION IN 1910 FOR BRICKLAYERS, MASONS, AND PLASTERERS, ACCORDING TO PERCENTAGE OF NEGRO BRICKLAYERS<sup>58</sup>

States where negroes form 25 per cent. or over of total number of bricklayers and masons				States where percentage of urban population is the same but negroes are an unimportant factor			
States	Percentage of negro bricklayers and masons to total	Percentage in union	Percentage in towns of 25,000 or over	Percentage in towns of 25,000 or over	Percentage in union	Percentage of negro bricklayers and masons to total	States
Florida.....	56	38	35	31	19	1	Nebraska
Georgia.....	70	17	39	41	47	11	Texas
Arkansas....	29	30	19	21	17	7	Kansas
Louisiana....	62	19	67	64	46	2	California
Mississippi..	65	12	0	0	7	0	South Dakota
North Carolina...	57	3	10	12	25	5	West Virginia
South Carolina...	81	10	18	15	40	0.4	Maine
Tennessee...	50	20	44	44	29	2	Michigan
Virginia.....	25	13	30	29	25	0.3	Wisconsin
Alabama.....	57	23	47	48	35	5	Maryland

By comparing columns 2 and 5 it will be seen that in seven out of ten of the pairs of States the extent of organization in the negro States was considerably below that in the non-negro States.

In order to compare with one another the total extent of

<sup>58</sup> The figures for the total number of bricklayers, masons, and plasterers in cities of 25,000 or over, and for the proportion of negro bricklayers and masons to the total of such workmen, were calculated from the statistics given in the Thirteenth Census, 1910, vol. iv, Occupation Statistics, pp. 96-151, 152-291, 434-534. The figures for the number of bricklayers, masons, and plasterers in unions were calculated from statistics in the Forty-fifth Annual Report of the Secretary of the Bricklayers, Masons and Plasterers' International Union for the term ending December 1, 1910, pp. 272-293, and in The Plasterer, July, 1910, pp. 17, 18.

organization in each of these groups of States, there is set forth in Table IV for each State the total number of bricklayers, masons, and plasterers, the number in unions, and the number in towns of 25,000 or over.

TABLE IV

COMPARISON OF THE SAME STATES BY ABSOLUTE NUMBER OF BRICKLAYERS, MASONS, AND PLASTERERS IN THE STATE, IN UNIONS, AND IN TOWNS OF 25,000 OR OVER IN 1910

States where negroes form 25 per cent or over of total number of bricklayers and masons				States where percentage of urban population is the same but negroes are unimportant factor			
States	Total in state	In unions	In towns of 25,000 or over	In towns of 25,000 or over	In unions	Total in state	States
Florida.....	1111	421	387	864	520	2787	Nebraska
Georgia.....	3349	566	1308	1392	1605	3396	Texas
Arkansas....	1089	330	202	965	803	4631	Kansas
Louisiana....	1939	358	1294	3576	2543	5575	California
Mississippi..	917	113	0	0	80	1090	South Dakota
North Carolina...	2328	70	235	252	518	2067	West Virginia
South Carolina...	1727	164	313	259	684	1696	Maine
Tennessee....	2967	581	1314	3057	1977	6880	Michigan
Virginia.....	3614	472	1094	1849	1554	6314	Wisconsin
Alabama.....	2123	483	991	1505	1075	3110	Maryland
Total.....	21164	3558	7138	13719	11359	37546	Total

Calculating for each of these groups the percentages in towns and in unions, it will be seen that in the negro group, with 34 per cent in towns, only 17 per cent were organized; while in the non-negro group, with an approximately equal proportion in towns, that is, 37 per cent, 30 per cent were organized.

How far this comparative weakness in organization in the negro States is due to the poor qualities which the negro possesses for organization and how far to the difficulties growing out of racial prejudice it is impossible to determine. From one or the other or both causes, however, it is apparent that the presence of the negro artisan has hindered the growth of organization. It is probable that, as the



white artisans of the South realize the disadvantages which they suffer because of the presence of a large unorganized negro element, racial prejudice will yield more and more to the demands of their economic interests, and increased efforts will be made to bring about the organization of the negro. In 1903 the Bricklayers and Masons took a long step forward by providing that, when a subordinate union refused to consent to the granting of a charter to a new local union simply on account of race, nationality, or religion, the executive board should have discretionary power to grant the charter.<sup>59</sup> In 1905 two special organizers were employed by this union in the South; the organizing work done by them cost \$2250, and twenty-two unions were formed.<sup>60</sup> In 1906 the cost of organizing in the South was about \$1200.<sup>61</sup> In 1907 \$4000 was spent; there were two organizers, one white and one colored, and they succeeded in organizing twenty-six new unions in addition to their work of building up old unions.<sup>62</sup> These amounts are not large compared with the amounts spent by some other unions for organizing work, but they are considerably larger than the sums spent by the Bricklayers and Masons for such work in the past. In 1914 Secretary Dobson stated that there were some cities where the whites still refused to allow negroes to come into the same union or work on the same job with them, but said that these difficulties were gradually being overcome.<sup>63</sup>

Students of labor problems and trade-union leaders agree that unskilled and female laborers have presented an especially difficult problem in the way of organization. Likewise, although there may be differences of opinion in regard to the union qualities of the negro, it would probably not be questioned that organizing in the South has been more

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<sup>59</sup> Wolfe, p. 127.

<sup>60</sup> Fortieth Annual Report of Secretary, December 1, 1905, p. 354.

<sup>61</sup> Forty-first Annual Report of Secretary, December 1, 1906, p. 319.

<sup>62</sup> Forty-second Annual Report of Secretary, December 1, 1907, pp. 440-441.

<sup>63</sup> Interview with William Dobson, secretary, Indianapolis, August 29, 1914.

difficult because of his presence. As to the effect of the recent large immigration, however, we find a wide divergence of views. Frequently trade-union leaders seek to explain their failure to effect organization in certain industries by the presence in them of the large number of recent immigrants. This, for instance, has been put forward as the reason for the lack of organization in the iron and steel industry and the textile industry. On the other hand, the secretaries of a number of unions with whom the writer had interviews declared that they experienced no especial difficulty in organizing foreigners. The latter opinions, however, are considerably in the minority, and were expressed principally by officers of unions in skilled trades.

The United States Immigration Commission, after an extended study of the problem of immigration in many of its aspects, came to the conclusion that

the extensive employment of southern and eastern European immigrants in manufacturing and mining has in many places resulted in the weakening of labor organizations or in their complete disruption. . . . The tendency of recent immigrants to thrift and their desire for immediate gains have made them reluctant to enter into labor disputes involving loss of time, or to join labor organizations to which it was necessary to pay regular dues. As a consequence, the recent immigrant has not, as a rule, affiliated himself with labor unions unless compelled to do so as a preliminary step toward acquiring work, and after becoming a member of a labor union he has manifested but little interest in the tenets or policy of the organization.<sup>64</sup>

This conclusion of the commission is attacked by Dr. Hourwich, who claims that it is not warranted by statistics,<sup>65</sup> and who seems inclined toward the belief that the recent immigration from southern and eastern Europe has actually encouraged organization. He cites numerous statistics in support of his own contentions. Thus he shows that in the years from 1901 to 1910, the period of the largest immigration from southern and eastern Europe, organization pro-

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<sup>64</sup> Abstracts of Reports of the Immigration Commission, vol. i, pp. 530-531.

<sup>65</sup> I. A. Hourwich, *Immigration and Labor*, p. 325.

gressed rapidly in this country, membership in unions increasing from about 1,300,000 at the former date to about 2,625,000 at the latter; in other words, doubling.<sup>66</sup> He shows that in Kansas, where the immigrant population is insignificant, the ratio by per cent of trade-union membership to urban population<sup>67</sup> was smaller from 1900 to 1909 than in New York, where recent immigrants form a large part of the population.<sup>68</sup> He shows that in New York City in 1900 one half of all the breadwinners in non-agricultural pursuits were foreign-born, whereas in the remainder of the State three fourths were of native birth; but at the same time New York City had more than its proportionate share of trade-union membership.<sup>69</sup> In considering particular industries, he points to the success achieved in forming organizations among the coal miners<sup>70</sup> and the garment workers,<sup>71</sup> where the influx of recent immigrants has been especially large; and shows that in the cotton<sup>72</sup> and woollen mills and in the iron and steel industry there never has been any significant organization among the unskilled workers, even before the large influx of the southern and eastern European immigrants into those industries.<sup>73</sup> He also cites statistics and instances to show the willingness of these immigrants to engage in strikes.

It is easy, however, to draw unjustifiable inferences from some of these statistics. For instance, the fact that the great increase in organization has occurred during the period of arrival of the immigrants from southern and eastern Europe does not prove that the latter were in any way responsible for the increase. It must be remembered that for a large part of the period before this, unions were just getting established and were struggling for a standing in

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<sup>66</sup> Hourwich, pp. 334-335.

<sup>67</sup> Urban population is defined as that residing in cities and other incorporated places of 2500 inhabitants or more.

<sup>68</sup> Hourwich, p. 339.

<sup>69</sup> *Ibid.*, pp. 341-342.

<sup>70</sup> *Ibid.*, pp. 446-447.

<sup>71</sup> *Ibid.*, p. 326.

<sup>72</sup> *Ibid.*, p. 381.

<sup>73</sup> *Ibid.*, pp. 392-393.



the community. With the strength and experience thus secured it became possible in later years to carry on trade-union agitation with greater vigor. Trade unionism had passed out of the experimental stage into an established position in our industrial life.

Nor should we place too much reliance upon the showing of the figures as to the extent of membership of trade unions in Kansas and New York. Kansas is principally an agricultural State, and although, as Dr. Hourwich has shown, manufactures may have been increasing there very rapidly in recent years, there has not been the long sustained effort to bring about organization that there has been in the old manufacturing State of New York. Dr. Hourwich's figures show, moreover, that in recent years Kansas has been catching up to New York in its percentage of organized workers in the urban population. While in 1900 the percentages stood New York 4.6 and Kansas 1.9, in 1909 they stood New York 5.3 and Kansas 4.4. Finally, as will be discussed later, it is generally the case that unions have been less successful in organizing in small towns than in large cities. It is true that Dr. Hourwich's comparison is based upon urban population only. But this includes towns with a population as low as 2500, and in such places it may happen in many trades that there are either too few workmen for a local union to be formed, or at least not enough to make it worth while for the national union to devote great efforts to organizing. In Kansas the percentage of industrial population in large cities is far smaller than in New York, and the difficulties in organizing are correspondingly increased. In 1910 the proportion of bricklayers, masons, and plasterers in towns of 25,000 or more was in New York 78 per cent and in Kansas only 21 per cent. In conformity with this, 46 per cent of these workers were organized in New York and only 17 per cent in Kansas. A similar condition exists among the painters and paperhangers. Here the percentages of workers in cities of 25,000 or more are respectively 76 and 23 for New York and Kansas, and the

percentages organized are 23 and 6.<sup>74</sup> For these reasons New York and Kansas are not properly comparable States for Dr. Hourwich's purpose, and, therefore, the statistics given prove nothing as to the comparative difficulty in organizing native Americans and recent immigrants.

Likewise nothing as to the comparative organizability of native Americans or recent immigrants is proved by the fact that New York City as compared with the rest of the State had more than its proportionate share of trade-union membership, although one half of all breadwinners in non-agricultural pursuits in the city were foreign-born and in the remainder of the State three fourths were of native birth. Here again no account is taken of the fact that outside of New York City many of the breadwinners in non-agricultural pursuits are located in small towns or villages or even rural districts, where, as we have shown, they can be less easily organized.

Although we can through the use of statistics come to no definite conclusion as to whether recent immigration has proved a detriment or an encouragement to organization, we can, however, say that the statement of the Immigration Commission that "the tendency of recent immigrants to thrift and their desire for immediate gains have made them reluctant to enter into labor disputes involving loss of time" is not altogether in consonance with the experience of trade unions having to deal with large bodies of these immigrants. In Chapter I it was shown that among the coal mine workers, among the garment workers, and among the textile workers in the North, where recent immigrants form a very large proportion of the laboring force, there have frequently been strikes where thousands of the workers have gone out. It is true that among the garment workers

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<sup>74</sup> These percentages were calculated from the statistics given in the Thirteenth Census, 1910, vol. iv, Occupations, and from the reports of union membership given in the following: Forty-fifth Annual Report of the Secretary of the Bricklayers, Masons, and Plasterers' International Union, for term ending December 1, 1910, pp. 272-293; The Plasterer, July, 1910, pp. 17-18; Reports of General Officers, Brotherhood of Painters, Decorators and Paperhangers, September, 1913, p. 98.

strikes have usually been short, but, on the other hand, the average duration of strikes among the coal miners has been very long. In these cases the immigrants seem to have shown no disinclination to enter into labor disputes. As a matter of fact, most of the trade-union leaders who were interviewed by the writer and who complained of the difficulty of organizing immigrants asserted that they had no trouble in getting them to join the union, but that the difficulty was to hold them. President White of the United Mine Workers declared in substance: "To-morrow I could call out all the miners in any district, union or non-union, and they would be anxious to go out. The difficulty consists in holding the men in restraint until the union is ready to make its fight."<sup>75</sup>

Moreover, we find that at least two of these industries in which a large proportion of recent immigrants are employed show a high degree of organization. According to the statistics compiled by Dr. Wolman, 35.3 per cent of the coal mine workers were organized in 1910 and 17.1 per cent of the clothing, shirt, collar, and cuff factory workers. No separate calculation was made for the clothing factories alone, but undoubtedly the percentage of organization in them was considerably larger than the above figure, since there is practically no organization in the collar and cuff industry. Furthermore, since 1910, organization among the mine workers and among the garment workers has made rapid strides, owing, in the one case, to the organization of the anthracite miners and, in the other case, to the growth of the Ladies' Garment Workers' International Union. The membership of the United Mine Workers increased from 231,392 in 1910 to 377,682 in 1913, and that of the Ladies' Garment Workers from 25,999 in 1910 to 114,100 in 1913. Nor can the lack of organization in the iron and steel and in the textile industries be ascribed offhand to the great proportion of immigrant workers in these industries, since, as Dr. Hourwich has shown, the unskilled workers in

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<sup>75</sup> Interview with John P. White, Indianapolis, August 29, 1914.



these industries never have been organized, even before the coming of the immigration from southern and eastern Europe.

If immigrants have been especially difficult to organize, a comparison of the extent of organization in one particular industry in different sections of the country, where the proportion of immigrants in the industry varies, should show a lower percentage of organization in districts where the proportion of immigrants is larger. An investigation along this line was made in the coal industry. In Appendix I there is shown in columns 5 and 6 the percentage of foreign-born white operatives and the percentage of organized operatives in the various districts of the United Mine Workers. These percentages were compared by Karl Pearson's method of correlation,<sup>76</sup> and a coefficient of correlation of 0.228 was obtained, with a probable error of 0.154. Inasmuch as 1.00 represents perfect correlation, this comparatively small coefficient of correlation with such a large probable error does not justify us in saying that there exists a causal relationship between the two sets of factors, and that organization is promoted by the presence of a large foreign-born working force. Nevertheless, the fact that we obtained a positive coefficient as high as the above one is at least very strong evidence that organization is not hindered by the presence of the foreign-born workers, since, in that case, the coefficient of correlation would have come out as a negative quantity.

Therefore, while there is not sufficient evidence for holding that the advent of the recent immigrants into our industrial life has actually encouraged organization, neither are we justified in asserting that they are especially tractable in the hands of employers and reluctant to enter into labor disputes. Inasmuch as they are principally unskilled workers, there exist all the difficulties in holding them in the union that were discussed in connection with that class of

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<sup>76</sup> For an explanation of this method see W. I. King, *Elements of Statistical Method*, p. 200; or G. U. Yule, *An Introduction to the Theory of Statistics*, pp. 157-190.

workers. In their case, too, the mixture of races and racial prejudices probably add to the difficulties of organizers. Then again, the policy of education is especially difficult to carry out with immigrants because of the various languages spoken and the temporary character of the stay of many of them in this country, about one third of them returning to their native lands after a residence here of five years or less. On the other hand, it is possible that these especial impediments to organization may be more than offset by a more revolutionary spirit, and by a greater readiness to respond to the appeals of agitators. Officers of the Garment Workers have stated that they find it much more difficult to get native-born girls to go out on strike than immigrant girls. The readiness of some of these immigrants to strike is also shown by the strikes in their native lands. From 1901 to 1904 there were 3032 industrial strikes in Italy, involving 621,737 workers.<sup>77</sup> In the one year, 1905, estimates Dr. Hourwich from statistics of the Russian government, there were 3,672,000 strikers in the Russian Empire.<sup>78</sup> At times, when a concrete issue presents itself in the way of a strike, the recent immigrants have shown themselves capable of great solidarity in action, as is amply evidenced by the experiences of the mine workers, the textile workers, and the garment workers.

It is because of all these conflicting influences that it is so difficult to come to any positive conclusions as to the effect of immigration upon the growth of trade unionism. It is true that if, as the American Federation of Labor desires, severe restrictions could be placed upon future immigration, organization would probably be benefited for a time, because of a resulting shortage in the labor supply and the consequently greater readiness of employers to make terms with their workmen. These superior strategical advantages for the latter would not be permanent, however, since in the course of time industry would adjust itself

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<sup>77</sup> Hourwich, p. 349.

<sup>78</sup> *Ibid.*, p. 350.

more or less to the new labor supply. If, as is contended by Dr. Hourwich, immigration has occurred only in response to a legitimate demand for labor, the immigrant cannot be held responsible for overstocking the labor market and thereby impeding the progress of organization.

The real explanation of the difficulty which has been experienced in effecting organization among our immigrant workers is to be found, it would seem, not in the character of these workers as immigrants, but in their character as unskilled laborers; and the principal problem to be solved in organizing them is not so much that of overcoming their opposition to or hesitancy about joining a union or engaging in a strike, as that of binding them steadily to the union so that stable and continuous organization may take the place of ephemeral combinations, formed simply for the purpose of obtaining some immediate advantage.

The methods employed by trade unions for the purpose of making organization stable have been shown to be (1) education, whereby workmen may come to foresee the benefits to be derived from united action, so that they may realize the necessity of permanent organization in order to make this effective and willingly make present sacrifice in the shape of payment of dues for the sake of future gains; (2) the ostracism of non-unionists; (3) direct appeal to the self-regarding motives of the individual in the shape of (a) benefit features, (b) personal protection, or (c) some form of the closed shop, either preferential or absolute. How far are these methods applicable to unskilled, immigrant, or female workers?

The appeal made by the prospect of future gains, we have seen, is not strong because of the lower intelligence of these workers or the temporary character of their employment; and the latter characteristic interferes seriously with the effectiveness of the method of education. It was also seen that the method of appeal through benefit features is not available for effective use because of the two characteristics mentioned above and because of the inability or unwilling-



ness of the workers to contribute adequate dues. The appeal through the personal protection afforded by the union may in some instances prove of value, as in the case of the United Mine Workers and the Ladies' Garment Workers, where piece-work systems prevail and injustice or discrimination frequently arises in the payment for work or the distribution thereof. In general, however, the value of personal protection is likely to appear smaller to workers of lower intelligence or to those of shifting habits than to permanent employees of a high degree of intelligence, such as are most of the employees in the train service of railroads, who are anxious to keep their records unspotted and for whom discharge may mean a calamity, as far as their railroad careers are concerned. In the course of time, with the growth of public opinion in favor of trade unionism, the method of ostracism may prove efficacious. At the present time, however, the experience of the Industrial Workers of the World with unskilled workers would lead us to place little confidence in this method.

It should, of course, be the aim of all unions seeking to effect stable organization among the classes of workers which we have been considering to employ all of these policies as far as possible. However, the chief reliance of the unions of these workers in making organization stable must be placed, it seems, in the establishment of some sort of closed shop. Under the proper conditions, as discussed in Chapter III, the preferential union shop may be sufficient. Where these conditions are not present, however, it may be necessary to resort to the closed shop in the strict sense. It has been pointed out that the closed shop is extensively employed by most unions in this country, both of skilled and unskilled workers. Where the workers in an occupation are so largely of a shifting character as are the classes which we have been considering in this chapter, the closed shop is an especially valuable, almost essential, device for maintaining stability in organization. When the closed shop is employed, attention need no longer be directed to organizing

the individual but to organizing the shop or unit of industry. The organization of the unit of industry being accomplished, the organization of the individuals embraced within that unit follows automatically. Thus, although individuals may be continually entering and leaving an occupation, causing, therefore, a state of constant flux in the membership of the union, nevertheless the union itself maintains its integrity; just as a river at a certain point, though never containing at two successive moments the same particles of water, remains none the less a river.

## CHAPTER VI

### THE SMALL BUSINESS

Under our present competitive regime, the economic wants of society are satisfied through the efforts of men organized in business units of various forms and innumerable sizes. Among all these kinds of business units there stand forth two extremes. At the one end is the small shop run by a single man or perhaps a partnership, in which no workman is employed, unless it may be an apprentice or helper. This is the so-called "one-man shop." The other extreme is found in the gigantic corporation which has succeeded in bringing under its control the major portion of an industry, or at least a considerable portion of an industry, so that it possesses elements of monopolistic power. From the form assumed by the first of such combinations of capital, this kind of business unit has become known as a "trust." These two extremes of business units, the "one-man shop" and the "trust," have caused, in the experience of trade unions in this country, peculiar difficulties in the organizing of labor. It is into these difficulties that we shall now inquire.

*The One-Man Shop.*—Trade unionism, as an institution, has its basis in the differentiation which has arisen under modern capitalistic production between two separate and distinct classes, the employing class and the employed class. But the proprietor of the one-man shop is neither employer nor employee. He is, accordingly, an anomaly in our present industrial society; he is a relic of a by-gone age, an age in which this type of business organization was widely prevalent, and in which, consequently, provision was made for his control in the then dominant system of industrial regulation, the gild system. The craft gild supported the inter-



ests of the full master members of the craft as against the interests of those in the journeyman stage, and enforced the custom of the trade in hours, materials, methods of manufacture, and often in prices. Such a regulative scheme was obviously well suited to the control of the one-man shop. But trade unionism, instead of undertaking such regulation of a trade as a whole, is concerned primarily, if not exclusively, with the interests of the wage-earners in the trade. Consequently, employers are not usually admitted to active membership in trade unions, because it is deemed that the interests of employer and employee might not always be in harmony; and the admission of the former to the council halls of the latter would result in the defeat of the very purpose for which the union was formed. Nevertheless, while it is true that the union is concerned primarily with the interests of the wage-earners, it does not follow that there is no regulation of the trade as a whole. As a matter of fact, under a strong union, where a standard rate and standard working-day are in force, there is a very real regulation of the conditions of competition, in that the labor cost to each employer is made the same. Hence we see that the regulation of competition is determined by the regulation of the conditions of employment.

The one-man shop, however, finds no place in such a scheme of regulation, inasmuch as there are no employees in such a shop. As a result, the competition of this shop is unregulated; its proprietor is left free to work at prices that are out of the question for an employer compelled to pay the regular union rate of wages,<sup>1</sup> and to prolong his hours of labor to a time far beyond the limits fixed by the regulation of the union.<sup>2</sup> In fact, the intensity of competition for business insures the working out of this result.

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<sup>1</sup> Business Agent Moore of the plumbers and steamfitters' local union in Baltimore said that small master plumbers would do work for \$65 for which the large employers would receive \$100 (Interview in October, 1914).

<sup>2</sup> See review of speech of President Alpine of the Plumbers, before the convention of the Master Plumbers' Association in 1912 (Plumbers' Journal, September, 1912, p. 10).

It was to provide against just such destructive competition of masters for business that the regulations of the old craft guilds were formed, and similarly it was to provide against the competition of workmen for employment that the modern trade unions have been organized. The result of the presence of these small shops is the undermining of the strength of the union, since the large employer of labor is compelled to meet the competition of such shops, and, in doing so, feels himself handicapped by regulations in regard to wages and hours that do not apply to the small competitor. For this reason the difficulty of the union in obtaining its demands is enhanced and the strength of the organization is weakened.

The difficulties in connection with the one-man shop are exemplified in the experience of the United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers and the Journeymen Barbers' International Union, two unions which have pursued different policies in their efforts to regulate their trades. The Plumbers have followed the ordinary trade-union method, seeking to regulate wages and hours of labor. The Barbers' method, on the other hand, is similar to that of the old guild; it consists in a more direct control of the trade through the regulation of prices and the hours of opening and closing. In addition to the consideration of the experiences of these two unions, there will be mentioned also the manner in which the problem of the one-man shop has been felt in the International Typographical Union, a union which, like the Plumbers, follows the ordinary trade-union method in its efforts at regulation, but which has pursued a different policy with reference to the one-man shop.

The United Association of Journeymen Plumbers is an organization primarily concerned with the interests of the wage-worker, and seeks simply to regulate his conditions of employment. But the proprietor of the one-man shop is not a wage-earner. If not already an employer, he is at least what might be called an embryo employer, whose am-

bition it is some day to have wage-earners working for him. As such, his point of view and his interests are essentially different from, if not actually inimical to, those of the wage-earner.<sup>3</sup> Consequently, his admission to the union is considered inadvisable, and the constitution accordingly provides that "any member of the United Association who starts in business for himself must withdraw from the United Association."<sup>4</sup>

It appears, however, that the constitutional provision in regard to the withdrawal of members who go in business for themselves is not always rigidly adhered to. One who had long been a faithful member as a journeyman might be allowed to retain membership after setting up for himself, and members out on strike who pick up odd jobs would not be compelled to withdraw. In 1906 the constitution was amended so as to provide that a withdrawal card should be granted to a member starting in business for himself only upon approval of the local union and the general secretary.<sup>5</sup> This was done to thwart an alleged practice of employers, which was, in case of a strike, to make their employees small stockholders in their firms and then have them withdraw from the union and thus break up the strike. It

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<sup>3</sup> Thus at the convention of the United Association in 1910, in discussing the question of the admission of master plumbers, Delegate Mooney of New Haven stated that in his city there were 123 shops and that 76 of these belonged to master plumbers, who did their own work and employed no members of the organization. The local union had a membership of 132. In case the law of the union were amended so as to give master plumbers the privilege of retaining their membership in the union, he asks, "Where would our local union come out in that case?" Vice-President O'Connell said that he did not see how a man could be an employer and yet work consistently for the interests of the journeymen's organization (*Proceedings*, 1910, p. 78).

<sup>4</sup> Constitution, 1913, sec. 91. The Journeymen Horseshoers' Union admits master horseshoers employing not more than one journeyman. The secretary stated, however, that the union did not make much effort to bring in these men and that they were not desirable members. They endeavored, he said, to keep the organization out of other shops in order that they might restrict the advantages which accrue from the right to use the union label or to be recognized as a union shop (Interview with H. S. Marshall, secretary, Cincinnati, August 26, 1914).

<sup>5</sup> Constitution, 1906, sec. 86.



was claimed that the same method was used to break up local unions in small towns.<sup>6</sup> In 1910 the constitutional provision was changed to its present form. The provision is that any member who starts in business for himself must withdraw from the United Association, and that withdrawal cards shall be issued by the general secretary-treasurer upon application for them by local unions; but no withdrawal cards may be issued to alleged stockholders, and local unions must refuse to allow members to work in shops where such stockholding is permitted.<sup>7</sup> According to this section, no master plumber has a constitutional right to membership in the union. Nevertheless, some discrimination is left to the local union, and under certain circumstances, as mentioned above, it may be that no withdrawal card for a man in business for himself is applied for by the local union.<sup>8</sup>

It might seem that this difficulty could be avoided by a provision that the proprietor of the one-man shop might remain in the organization, not as an active member, but as a passive member, with a right to the benefits of the union and the use of the union card, provided he observed in good faith the regulations of the union as far as possible; for example, those in regard to hours of labor. A passive member, however, would not have the right to attend the union meetings and would not have any voice in its government. The Tailors' Industrial Union<sup>9</sup> and the Hotel and Restaurant Employees' International Alliance and Bartenders' International League of America have such a provision.<sup>10</sup> But this arrangement does not solve the problem. In the first place, there may be no inducement to the small proprietor

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<sup>6</sup> Report of General Organizer Burke, Proceedings, 1906, p. 29.

<sup>7</sup> Constitution, 1910, sec. 91.

<sup>8</sup> At the convention of the Plumbers in 1910 the credentials of one Frank G. Merryweather as a delegate were rejected on the ground that he was an employer. When asked whether this meant that the convention had gone on record as unseating every master plumber in the hall, President Alpine replied that the matter under consideration was simply the case of Brother Merryweather (Proceedings, 1910, p. 79).

<sup>9</sup> Book of Laws, 1914, sec. 55.

<sup>10</sup> Constitution, 1913, sec. 83.

to belong to the union. He is not directly concerned in the efforts of the union to increase wages, since he himself is not a wage-earner; and he is averse to having the union regulate his hours of labor, since the longer he works, the larger are his earnings. It is true that union membership might prove advantageous to him where the use of the union label is very valuable, or where the union shop is so universal and union sentiment so strong that possession of a union card becomes an important element in ability to secure work. But a large part of plumbing is simply jobbing work, for example, work in private homes; and in the obtaining of most of such work a union card is no advantage.<sup>11</sup>

Moreover, even supposing the proprietor of the one-man shop willing to come into the union as a passive member, there would be nothing to prevent his cutting prices in order to obtain business, and it would be difficult to keep under surveillance the length of his working day. In a speech before the National Master Plumbers' Association in 1912, President Alpine of the Plumbers' Union asserted that the one-man shop, or the shop composed of so-called stockholders, where work was performed without regard to the limitation of the working-day, was a distinct disadvantage to the journeyman, as the men in such shops were usurping the places of the union mechanics. He declared also that this class of shops was especially detrimental to the "legitimate" master plumber because of the unfair competition presented.<sup>12</sup>

It is in connection with this difficulty of supervision that the experience of the International Typographical Union throws valuable light upon the problem of the one-man shop. In this organization proprietors working at the trade are admitted to active membership in the union. The attitude of union members toward the small proprietor, probably a fellow-unionist struggling to advance himself, has been, gen-

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<sup>11</sup> President Alpine stated that journeymen plumbers employed by small masters doing jobbing work were much more difficult to organize than those employed in doing large contract work (Interview, September 4, 1914).

<sup>12</sup> Plumbers' Journal, September, 1912, p. 10.

erally speaking, one of sympathy, and he has been allowed the use of the label. After a somewhat acrimonious contention other unions in the printing industry have been induced to adopt the same policy. However, it appears that these proprietors have not always observed in good faith the regulations of the union. An executive committee recently reported:

Complaints have been made to this committee from time to time by employers that there are numerous small printing plants, so-called 'bedroom print shops,' owned and operated by members of this union, which compete with them, and that inasmuch as the work in these plants is done at night, after the owner has completed a day's work, they are constantly underbid on such work as is done by these offices. We find in these cases that the men work in the daytime and in spare hours solicit jobs, set them up, do the presswork themselves and in all respects operate small plants in addition to their regular employment, and that they do compete with other proprietors employing members of this union on small commercial work.<sup>13</sup>

President Lynch says:

One of the strongest objections the bona fide employer has to the union label is its use by the small proprietor. It is claimed, and in many cases the evidence is at hand, that by reason of his opportunity to work any number of hours soliciting and executing work, and with one or two platen presses, a few cases of type and the union label, the small proprietor can cut the life out of prices for the work that his mechanical facilities will permit him to take. On the other hand, the bona fide employer is compelled to pay his solicitor, and of necessity the latter's work is confined to the business day. The real employer is also expected to pay the union scale, which carries with it union hours. Unless there is radical reform in the method of supervision of the small shop with the label, under which the proprietor will be compelled to confine his soliciting and mechanical execution, together with all other work necessary to the conduct of his business, to an eight-hour day, then there must be a reversal of our present attitude toward the small shop.<sup>14</sup>

We see then that under the strictly trade-union method of regulating a trade, that is, the regulation of wages and hours of labor, no adequate provision is made for the proprietor of the one-man shop, who is left free to carry on his competition upon his own terms; and that this competition is a direct disadvantage to the employer and an indirect one to the union, which finds its control over the

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<sup>13</sup> Proceedings, International Typographical Union, 1907, p. 17.

<sup>14</sup> *Ibid.*



conditions of labor in the trade lessened thereby. The degree to which the one-man shop hinders organization depends, of course, upon the comparative amount of business controlled by such shops. If this amount is very small, the effect upon organization may be negligible. However, if the business of the one-man shops constitutes a considerable proportion of the total business in the trade at a particular place, this competition will prove a decided obstacle to organization. Imagine, for instance, the case of a small town where there are ten job printing establishments. Two of these are shops employing four journeymen each, and the other eight are one-man shops. Suppose the proprietors of the one-man shops to engage in all the practices that have just been described. Would it be possible for the proprietors of the two larger establishments, if compelled to pay union wages and run their shops only eight hours a day, to continue in competition? They would either be forced out of business or be compelled to pay their journeymen a wage corresponding to the earnings of the proprietors of the one-man shop. In either case the attempt of the union to improve conditions would fail, and with this failure the union could not last long. It has already been noted that among the plumbers, organization has been much more difficult in the jobbing branch of the trade, where the competition of the one-man shop is very great, than in the branch engaged in building construction, where most of the shops are of a large size.

With active competition from one-man shops and no regulation of their prices or hours, trade unionism would become impossible. In view of this fact, the Journeyman Barbers' International Union has pursued another policy in reference to the one-man shop. The barber's craft is one of the few that have undergone practically no change since the time of the so-called industrial revolution. In fact, it is typical of the manner in which all crafts were carried on before that period. In the ordinary barber shop we find the master or boss barber, with several journeymen and pos-

sibly an apprentice, just as we might have found them during the Middle Ages. The employer works in the shop side by side with the employee. There is no great gulf between them in social position, and the employee is not likely to consider his interests antagonistic to those of his employer, but rather identical. He does not think that his own wages are small because his employer is appropriating an excessive share of the total proceeds of the business, but because those proceeds are too small. This feeling is evident in the attitude of the journeymen's union. In an editorial in the journal the attitude of the union is set forth as follows: "The J. B. I. U. of A. [Journeyman Barbers' International Union of America] as a union was not organized for the purpose of fighting the employers as so many seem to think. It was formed for, and still exists for, the betterment of the barber craft, boss and journeyman alike."<sup>15</sup> It has doubtless been this conception of interests which has determined the policy of the union. The union has not simply made demands for higher wages and shorter hours, but has devoted its efforts to regulating prices and hours of opening and closing, abolishing Sunday labor, and pressing the passage of license laws, in order that the evils of excessive competition might be overcome, the income of the trade as a whole increased, and thereby the profits of the employer and the wages of the employee also increased.

We see, then, that just as the barber's craft resembles the typical medieval craft rather than the typical great modern industry, so the method of the barbers' union, with its endeavor to regulate the industry as a whole, resembles that of the medieval craft guild rather than that of the modern trade union. In such a scheme of regulation the proprietor of the one-man shop finds a logical and natural place. Although he is not directly interested in what wages are paid, he is very much interested in the prices which he is to obtain in his business; and the union, considering its own interests as bound up with those of the master barber, does

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<sup>15</sup> Journeyman Barber, April, 1905, p. 70.

not feel it necessary to exclude the one-man shop proprietor from its ranks. Accordingly, not only is he admitted to the union, but a very considerable proportion of the union membership is composed of such proprietors.<sup>16</sup> In this scheme of regulation it would not be illogical to include employing barbers also. Such organizations have been formed, but the union claims that many years of experience have demonstrated the absolute impossibility of success with them. It is asserted that attempts to form strictly employers' associations have failed because of the excessive competition and jealousy among the employers;<sup>17</sup> and it is feared that these characteristics, if employers were in the same organization with the journeymen, would act as a handicap in the efforts of the latter to regulate competition.<sup>18</sup>

During the past seven or eight years there has been, however, considerable criticism of the method of regulation employed by the union, and a demand has been made for the adoption of what has been called the "new system." The new system is nothing else than the regular method of the ordinary trade union, that is, fixing of standard wages and a standard working-day, and leaving the employer to charge any price he may please and to open and close as he desires, provided the standard wage is paid and standard hours of labor are maintained.

The demand for this new system has arisen, not because of any increased hostility on the part of journeymen toward their employers, but because of the futility of the efforts of the union to bring about or to maintain in various places agreements among employers as to uniform prices and uniform hours of opening and closing. It is particularly in the large cities that this failure of the efforts of the union has been evident. Thus a correspondent from the Chicago local union writes to the journal: "It is perhaps an easy matter to get fifteen or twenty barber shops in a town to

<sup>16</sup> A writer in the *Journeyman Barber*, July, 1910, p. 167, estimated that forty per cent of the membership was composed of proprietors of one-man shops.

<sup>17</sup> *Journeyman Barber*, September, 1905, p. 182.

<sup>18</sup> *Barbers' Journal*, March, 1899, p. 44.



agree to one price and one closing hour, but to attempt the same scheme in a city with several thousand shops you are apt to find yourself up against one of the hardest propositions ever dreamed of."<sup>19</sup> Other letters tend to confirm the truth of this assertion. The diversified classes of customers to which barber shops cater, the mixture of races among the barbers, and the very number of shops, all make it impracticable to bring about or to maintain agreements for uniform prices or hours of opening and closing. Consequently there has been a failure to organize the large cities. In 1906, when the total membership of the union was approximately 25,000, it was stated that seven of the largest cities showed a membership of 1800 where they should have had 20,000.<sup>20</sup> The attempt has been made to overcome the above-mentioned obstacles through the plan of dividing the city up into districts and forming agreements for each district. But although some degree of success is claimed for this plan, and although it may dispose of the difficulty caused by the large number of shops in a city, it does not dispose of that caused by their diversity of character. Moreover, such divisions would necessarily be artificial, so that while one proprietor in a certain district under the agreement might be charging the prices agreed upon, his competitor across the street or around the corner, outside of that district, might be cutting his prices and drawing away his customers. The result has been a demand for the adoption of the new system. Thus the writer quoted above goes on to say: "On the other hand, if an attempt was made to bring together say five thousand journeymen in one city with the same object in mind as any other trade or calling, that of getting shorter hours and better wages—say a ten hour day and a ten hour pay, say 25 cents per hour, and to strike if necessary, what would the result be?"<sup>21</sup>

If this system were adopted, however, the union would be confronted with the same problem that has baffled the

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<sup>19</sup> Journeyman Barber, April, 1909, p. 61.

<sup>20</sup> Ibid., February, 1906, p. 8.

<sup>21</sup> Ibid., April, 1909, p. 61.

plumbers, namely, the control of the one-man shops. As one writer in the journal has said, the proprietors of the one-man shops have no interest in higher wages and shorter hours, but in return for their moral and financial support the union maintains to the best of its ability uniform prices and closing hours.<sup>22</sup> It has been claimed for the new system that it will enable proprietors of large shops in cities to keep open as long as they desire, according to the class of customers they serve, and at the same time work their journeymen only the standard number of hours by using several shifts. The writer cited above, however, objects to this as follows: "It would be folly to expect the big shop to run two shifts of men and pay both shifts a living wage and compete with the one chair man who works both shifts himself, and the new system will end in longer hours, shorter wages and disruption of our organization."<sup>23</sup>

Such are the difficulties in organizing associated with the one-man shop. Under a system of regulated wages and hours of labor there may be no sufficient inducement to the proprietor of the one-man shop to join the union if he is eligible; and, whether he is admitted or not, no adequate control over him is provided.<sup>24</sup> On the other hand, the system of regulating prices is not well adapted to the organization of large cities.

The problem of the one-man shop, of course, does not exist in those industries where a large plant is indispensable for profitable production. And where this is not the case, the importance of the problem depends upon the extent to which the one-man shop obtains. No statistics to show this are at hand; but in certain crafts, such as those of plumber, barber, tailor, job printer, blacksmith, painter, and carpenter, the number must be large, and in considering the extent of organization in such industries this difficulty must

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<sup>22</sup> Journeyman Barber, July, 1910, p. 167.

<sup>23</sup> Ibid.

<sup>24</sup> Supervision would, of course, be easier in some trades than in others. Thus it would be easier to supervise the work of a barber, which is necessarily carried on before the public, than that of a printer, which may be done in his garret.

have due weight. Attention should also be called to the fact that the difficulty associated with the one-man shop exists also in those small shops which employ one or two journeymen but in which the employer also works at the trade. Here, too, there may be the same undermining competition with the lengthening out of the hours of work of the employer. The problem is the same in kind and different only in degree.

*Home Work.*—Similar to the one-man shop in its detrimental effects upon the organization of labor is home work in an industry. Here, it is true, we are treating of wage-earners, not proprietors, but the evil results of the competition engendered are comparable to those in the case of the small shop. Home workers are difficult to reach for purposes of organization. This is due to the fact that they are isolated. Consequently, there is less feeling of community of interest, or class consciousness, than in the case of workers constantly associated with one another. These characteristics make it difficult to bring such workers together for common action. But in case an organization is formed, it is practically impossible to enforce any common rule. Suppose, for instance, that under the impulse of some glaring grievance a number of such workers had been brought into a union, and that a standard rate of pay and standard working-day had been agreed upon with employers. Could such an agreement be enforced? In all probability it could not. While business was exceedingly brisk it might be that the employer, in his anxiety to get out his work in time, would pay the union rate. As soon as business slackened, and the supply of labor was greatly in excess of the demand, however, it is extremely likely that the employer, having a large number of men to choose from, would give his work to the cheapest bidder, namely, the non-unionist. Thus, according to the Webbs, "The common method of reduction is for the employer to produce a garment and say, 'I had this made for 10s. 6d., I cannot pay you 13s. 6d. for a similar article.



You too must make it for 10s. 6d. or go elsewhere.' The Society cannot prevent this."<sup>25</sup>

In a factory where all of the employees are known to the union, violations of the union schedules as to wages or hours will quickly come to light, and a strike may result, to the detriment of the employer. When work is given out to be done at home, however, it would be a stupendous task for the union to keep track of each individual worker. Consequently if during the slack season the unionist were discriminated against, he would not know who was undermining him or where the work was going. But he would know that he had no work, and that the way to obtain it would be to accept the terms of his employer. "Home work, in fact, necessarily involves Individual Bargaining, and makes, moreover, the enforcement of any Common Rule practically impossible. . . . Nor are these insidious effects confined merely to the outworkers. The operatives employed on similar tasks on the employer's premises have to submit to reductions of wages and extensions of hours, under the threat of the diversion of more and more of the business to their out-working competitors. Home work, in fact, makes all Trade Unionism impossible."<sup>26</sup>

The manufacturers in the garment industry have been the largest employers of home workers in this country, and for a number of years the United Garment Workers and the International Ladies' Garment Workers' Union have steadily fought against the employment of this class of workers. In the six protocols with employers which have recently been adopted by the latter union, involving approximately 115,000 workers, home work has been abolished. The overalls, shirt, and pants branch of the United Garment Workers likewise have formed prohibitive agreements involving 30,000 workers. This union also has some similar agreements in the men's clothing branch.<sup>27</sup> But the practice is

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<sup>25</sup> *Industrial Democracy*, p. 544.

<sup>26</sup> *Ibid.*, pp. 544-545.

<sup>27</sup> *Conciliation, Arbitration and Sanitation in the Dress and Waist Industry of New York City*, Bulletin of U. S. Bureau of Labor Statistics, Whole No. 145, Appendix H, opposite p. 154.

still widespread. In the report on women and child wage earners in the United States it is said that out of a total of 23,683 wage-earners (not including cutters and trimmers) employed by 244 establishments visited in New York, Chicago, Baltimore, Rochester, and Philadelphia, 1015 were designated on the pay rolls as home workers. "The foregoing figures [however] are not representative of the real proportion of home workers. If a manufacturer with a large inside shop says that he employs no home workers, that statement may be literally true, as he refers only to the inside shop directly operated by him. But, on the other hand, he may manufacture only about one-fifth of his product in his own inside shop, while four-fifths of it may be scattered among a number of contractors, who in turn may give out all of the garments they make to be finished in the homes." The home work system is used proportionately more extensively in New York than elsewhere, and less extensively in Chicago than elsewhere. In New York, where the licensing system is in vogue, 9644 houses were licensed for home work in 1908, according to the report of the factory inspector for that year, and it is a known fact that the vast majority of the houses are occupied by garment workers, chiefly home finishers.<sup>28</sup>

*Contractor System.*—Closely associated in practice with the prevalence of home work in the clothing industry and, judged by its effects upon the organizability of labor, likewise undesirable, is the contractor system. Under this form of business organization the garments are cut on the premises of the manufacturer, but instead of being finished there, they are farmed out to competing contractors who either run small shops of their own, employing about ten or twenty operators, or subcontract the work out to individuals who take it to their own homes. Since we have already considered the case of the home worker, we shall here be concerned only with the case of the contractor who runs a shop of his own.

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<sup>28</sup> Report on Women and Child Wage Earners in the United States, vol. ii, pp. 215-219.

In the first place, there is in this case, as in the case of the home workers, the difficulty due to the isolation, the comparative inaccessibility, of the workers. "Through him [the contractor] the industry is scattered over a wide area, among all kinds of people, and he thrives as long as they do not know one another. The contractor is an important factor in the clannishness of immigrant nationalities. It is in part due to him that we have in large cities the Jewish districts, Polish districts, Swedish districts, etc., with very little assimilation. The contractors establish their shops in the heart of the district where the people live, and since they can practically earn their living at home, they have no opportunity of mingling with others or of learning from the civilization of other peoples."<sup>29</sup> Consequently there is here also less opportunity for the development of that feeling of community of interests, less room for the spread of the creed of trade unionism, so necessary for the growth of organization, than is the case when the workers are brought together in a large factory, where the newly arrived immigrant rubs elbows with his more Americanized and sophisticated compatriot, and learns, among other things, the doctrine of unionism. Under these conditions we might say that the difficulty of bringing about organization among workers under the contract system is due, not so much to any inherent qualities in that system itself, as to the co-existence of that system with a large supply of newly arrived immigrant labor.<sup>30</sup> In fact, it has frequently happened that the ranks of the United Garment Workers' Union have been swelled temporarily by many thousands through the influx, under the impulse of some special grievance, of the workers in contractor shops.<sup>31</sup> Therefore, when speaking of the difficulty of effecting organization among these workers on account of inaccessibility, we must

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<sup>29</sup> J. R. Commons, "Sweating System in the Clothing Trade," in *Trade Unionism and Labor Problems*, p. 319.

<sup>30</sup> It has been estimated that 10,000 immigrants are absorbed by the garment-working trades each year (*Bulletin No. 98, Bureau of Labor*, p. 204).

<sup>31</sup> *The Garment Worker*, August, 1898, p. 13.



be understood as meaning the inaccessibility of these recent immigrants, whom the small contractor, thoroughly acquainted with conditions in his particular neighborhood, can segregate into comparative isolation for a time.<sup>82</sup>

The fundamental difficulty, however, with the contract system as it exists under the conditions in the garment industry is the extreme difficulty of maintaining successfully a union or preferential union shop agreement. Such an agreement, if observed in good faith by an employer, would be an effective means of preventing the decimation of the union ranks after a large strike, such as we have seen to be characteristic of the garment industry. The carrying out of such an agreement would be a simple matter in the plant of some large manufacturer. Every garment worker employed in the factory would become automatically a member of the union. There is no such clear sailing, however, in the case of the contractor shops. Here it is the contractor who is the employer of the labor, and any agreement made must be made with him. But the employer is under no obligation to employ any particular contractor. He gives out his work where it is done for the lowest price, and has no concern with the agreements which the contractor may have formed with his employees. Consequently, if the contractor asks of the manufacturer higher prices because the union has demanded more wages or shorter hours, there is left to the manufacturer the alternative of bestowing his patronage upon a rival contractor. Now, of course, this plan could be defeated provided the organization of all, or of a very large proportion of, the contractor shops had been accomplished; but in the garment industry the difficulty has consisted in the great numbers of immigrants constantly flooding the industry, in the small capital required to start a shop, and in the cutthroat competition for business among the contractors. Thus one contractor can be played off against another, the union rate undermined, and the strength of the organization sapped.

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<sup>82</sup> Commons, *Sweating System in the Clothing Trade*, p. 319.

A remedy for this state of affairs is to be found in the formulation of agreements with the manufacturers providing that contract work must be given out to union shops. Such an agreement, however, must obviously be formed by the employees of the manufacturer; consequently the probability of its formation depends upon the extent to which the contracting system exists in the industry. If the system exists to only a slight extent, and the employer must depend chiefly upon his inside help, he might form such an agreement rather than be troubled with a strike at his plant. But, on the other hand, if the principal supply of his labor came from these outside contractor shops, he could probably break the strike of his inside workers by the diversion of his material to the outside workers. Of course, in this case the possibility of success for the workers would also depend upon the extent of the support received from such inside workers as cutters, examiners, and bushelmen, who are employed only inside the factory.

The practice in the men's clothing industry of giving out work to contractors is very extensive. It has been estimated that more than fifty per cent of the total output in the industry is made up in this way. New York is the great home of the system, while Chicago and Baltimore probably make less clothing in this way than any other cities in the country.<sup>83</sup> In the overalls industry, however, the work seems to be carried on exclusively in factories. It is perhaps of some significance that it is in this branch of the industry that the garment workers have been most successful in organizing.<sup>84</sup>

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<sup>83</sup> Report on Women and Child Wage-earners in the United States, vol. ii, pp. 414-419.

<sup>84</sup> Report on Women and Child Wage-earners in the United States, vol. x, p. 168. The success in organizing overalls workers must be assigned principally, however, to the use of the union label.

## CHAPTER VII

### TRUSTS AND EMPLOYERS' ASSOCIATIONS

*Trusts.*—At the other end of the scale from the type of business organization which we have heretofore been considering is the trust. Here the obstacle in the way of the organization of labor is the opposite of that which was discussed in the preceding chapter. Here it is not the inability of the union to control excessive and insidious competition that stands in the way of trade unionism. Rather it is the very absence of adequate competition. Nor is the difficulty in this case, as in that of the small shop, that the fundamental basis of trade unionism, the differentiation of two separate and distinct classes, employer and employee, is lacking, for it is here that this condition exists in its most perfect form.<sup>1</sup> It is here that the employee labors under the greatest disadvantage in competition with thousands of his fellow workers under the process of individual bargaining with the employer, who possesses the advantage of having a restricted field of competing employers bidding for the same labor that he desires. It seems that here above all is the place where trade unionism is necessary for the purposes of collective bargaining. In just this field, however, are to be found the most glaring examples of its complete break-down.

The fundamental factor in this situation is the superior strategical strength of the employer under such a form of business organization. This superior strategical strength is due to three causes: (1) the greater financial resources of the trust and the difficulty of the union in obtaining a sub-

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<sup>1</sup> Where a corporation like the United States Steel Corporation encourages its employees to purchase its stock, this statement needs some qualification.



stantial foothold in the industry; (2) the control by the trust over a number of plants; (3) the restriction of the area of employment for the men. Each of these causes will be discussed in turn.

The most favorable conditions for the growth of trade unionism are to be found where there are within an industry a comparatively large number of business units of a fair size, that is, units considerably larger than the one-man shop, but possessing only moderate financial resources. When this is the case, there must always exist among such units various degrees of susceptibility to organization, making possible a gradual expansion of the union. In the case of one employer business may be prospering, large orders may be coming in, and any interruption to the operation of his plant may mean serious financial loss. Another, on the contrary, may be hovering on the brink of bankruptcy, able to pull through, barring serious mishaps, but conscious that a tying up of his plant or business will mean his utter ruin. Finally, there may be other employers who, for some reason or other—perhaps a previous connection with some labor organization themselves, perhaps a belief in the principles and faith in the expediency of trade unions—are more or less sympathetically inclined toward the organization of their labor force. It is among such firms as these that there exists the possibility that the union may gain a foothold. Once the organization of these plants has been achieved, the union can turn its attention to the harder tasks, to those firms which possess greater financial resources, which are less liable to loss of business through the closing of their plants, and which have the greatest animosity toward trade unionism. Under these circumstances every gain made by the union means a strengthening of its strategical position in that its financial resources are increased and its control over the labor supply is enhanced; and this is accompanied by a corresponding weakening of the strategical position of the still non-union employer in that the possibilities of combination with fellow-

employers for combating the union are lessened, and the field from which he can draw his labor supply in time of trouble is restricted.

The United Mine Workers, having in the course of years gradually built up powerful organizations in the States of Illinois, Indiana, Ohio, Iowa, Arkansas, Montana, Washington, Wyoming, and certain parts of Pennsylvania, Tennessee, Michigan, Missouri, and Kentucky, have been able, with the backing received from the unionists of these States, to devote their attention to the organization of such districts as West Virginia, Alabama, Colorado, and parts of Pennsylvania, where in the past they have always experienced the greatest difficulty in effecting permanent organization. The union is able to keep several scores of organizers in the field and to pour hundreds of thousands of dollars into those districts which it is determined to organize. In the eleven years from 1900 to 1910 inclusive the union expended for strike relief purposes over \$1,400,000 in the anthracite regions of Pennsylvania, nearly \$500,000 in the bituminous regions of Central Pennsylvania, over \$700,000 in Colorado, nearly the same amount in West Virginia, nearly \$1,300,000 in Alabama, and almost \$1,000,000 in Nova Scotia. In all of these districts, it is true, the union had, according to the membership for November, 1913, as yet been unsuccessful, except in the anthracite regions of Pennsylvania. Here its efforts at last seem to be bearing fruit, as from December, 1911, to December, 1913, the membership of the three anthracite districts increased from approximately 20,000 to 100,000. Whether this increase will be lasting it is difficult to say, though it is probable that it will.

We may contrast the strategical strength of a union like this, having a membership of 400,000 and an income running up to \$2,000,000<sup>2</sup> per year, with the strategical strength of a union like the Amalgamated Association of Iron, Steel and Tin Workers, with its 5000 members and its income of

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<sup>2</sup> Proceedings, 1914, Report of Secretary.

\$200,000.<sup>3</sup> If, moreover, we remember that this small union with its slender resources has before it a field for organization larger even than that before the Mine Workers, we can see what a difference it may make to the strategical strength of a union to have a large number of business units through which its membership and finances can be gradually built up. Where these units are lacking, it is the employer who holds the stronger strategical position from which to fight the union. Although the union in the presence of these large combinations of capital is hindered from building up its own resources, those of the corporation itself are all the greater because of the combination.

In the second place, the trust possesses a strategical advantage because of its control of a number of plants. The ordinary employer, running but a single plant, is entirely dependent upon that one for the filling of his orders. Consequently the shut down of that plant for any length of time means a delay, not to say a failure, in the filling of such orders, and probably as a result the loss of his patronage. Under these conditions a strike may cause disastrous consequences to an employer, unless, of course, he is able to fill up the places of the strikers. However, in the case of a large corporation controlling a number of plants no such dire results need follow from the shut-down of one of its plants. A cause of irritation and loss it may well be, but by no means a complete paralysis of the business. For example, the National Biscuit Company runs about fifty factories. The shut-down of one factory, provided it was of average size, would mean a loss of only two per cent in total output, and in all probability this could be made up by an increase in the output of some of the other forty-nine plants. Similar conditions exist in the steel industry, and in the tobacco industry where a great number of plants are under more or less unified control. Examples could be multiplied. If a strike occurs in one place, the company

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<sup>3</sup> Report on Conditions of Employment in the Iron and Steel Industry in the United States, vol. iii, p. 136. The total receipts in 1911 were \$204,847.58.



can simply close down that factory and supply its more pressing requirements from the other plants. The Bakery and Confectionery Workers charge that this is what was done by the National Biscuit Company in Chicago in 1903. "This situation endured for six months, when the bakers' organization had been practically disrupted and its members brought to the stage of starvation, the international organization being no longer able to support the idle toilers. Then the cracker trust reopened its Chicago plants, and anyone known to be at all sympathetic toward union labor was denied work. The same situation developed in Boston, Mass., Cleveland, Ohio, and New York City."<sup>4</sup>

In the steel industry, before the complete ousting of the union from the United States Steel Corporation, the charge was made by the Amalgamated Association of Iron, Steel and Tin Workers that the corporation diverted as large a proportion of orders as possible to non-union mills instead of distributing the work evenly in proportion to the capacity of the plants. The attitude of the corporation is also brought out in the minutes of the executive committee for July 2, 1901, at the time when the question of signing the scale for three mills, which had been considered non-union in the preceding year, was under consideration. No definite conclusion was reached at this time, but the chairman, whose decision carried the greatest weight, stated that he would be willing to concede two mills as union mills, and to sign the scale for the McKeesport mill, but that he would keep the latter mill shut down. This policy had also been practiced by other companies prior to the formation of the corporation.<sup>5</sup> The destructive effects of such a policy can be clearly perceived if we examine the figures showing the defunct local unions of the Amalgamated Association. Of 648 unions which are reported as having passed out of existence during various years (twenty years in all) from 1881 to

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<sup>4</sup> Bakers' Journal, February 15, 1913, p. 2, "Saving the Nation's Bread," by J. L. Engdahl.

<sup>5</sup> Report on Conditions of Employment in the Iron and Steel Industry in the United States, vol. iii, pp. 119-120.

1905, in the case of 188, or 29 per cent, stoppage of the mill is assigned as the cause.<sup>6</sup>

Through its control of a number of plants a company may not only shut down one factory during labor trouble, but, in case it is desired to continue that factory in operation, it may supply the labor force from the other factories of the company. It is charged that this was one of the reasons why the Amalgamated Meat Cutters and Butcher Workmen were defeated in 1904 in the great strike in the packing houses of Chicago, it being claimed that the skilled cattle butchers were brought from the plants of the packers in other cities.

Finally, the large monopolistic corporation possesses a strategical advantage because of the restriction of the area of employment which is open to the men and the consequently enlarged possibilities of discrimination on the part of the company against members of trade unions. This is the charge most frequently made by the unions against these corporations. It is made by the Iron and Steel Workers, by the Tobacco Workers, by the Bakers and Confectioners, and by the Commercial Telegraphers. It is easy to see at what a disadvantage an aspiring unionist may be if the management of the corporation is opposed to trade unionism. If a carpenter were to be discharged by a contractor because of his connection with a union and reemployment refused him, only a small percentage of his opportunity for employment would be taken away. Therefore fear of discharge will probably not be a great deterrent to his affiliation with a trade union. The larger, however, the proportion of the total industry controlled by one company, the greater obviously is the danger of this discrimination to the unionist, and in case of monopoly the result may be utter inability to obtain work.

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<sup>6</sup> These figures were tabulated from the reports of the president, contained in the proceedings, and include the following years: 1881-1891 (each year), 1893, 1894, 1895, 1897, 1899, 1900, 1902, 1904, 1905. In all these cases the mill was not closed down in order to destroy the union. The stoppage of work may have been due simply to lack of orders. But whatever the cause of the stoppage, the effect upon the union was the same.

We may thus have what amounts practically to a blacklist without the necessity of a formal agreement to that effect. The telegraph business provides a good example.

In the case of the commercial telegraph operator he has practically only two employers, the Western Union and the Postal Company. If either company dismisses for good cause a man whom they for perfectly valid reasons are unwilling to have in their employ in one office it might easily follow that they would not wish him to be employed in any one of their offices, and would accordingly notify all managers not to give employment to this person. The action of a single company, therefore, would close to the operator a very large part of his possible opportunities for employment. If either company chose to include activity in union matters or attempts to organize its employees, or participation in the agitation leading to a strike, as reasons for barring a man from employment, it could by merely notifying its own offices create a condition which, so far as that man was concerned, would result in practically the same thing as a blacklist in another line of industry entered into by a very large number of employers but not by all of those in his trade. In a word, the commercial telegraph operator, wherever he goes throughout the length and breadth of the United States, finds everywhere practically the same two employers. If these two employers enter into an agreement, the situation is practically hopeless to the operator.<sup>7</sup>

It is, therefore, quite evident that where an industry is dominated by a large monopolistic corporation and that corporation is determined to stamp out trade unionism, organizers of labor, having to deal with a class of men whose very livelihood depends upon their retention of the favor of the company, find themselves struggling under a handicap of tremendous proportions.

As to the extent to which such discrimination is actually practiced on the part of these great monopolistic corporations, it is extremely difficult to establish any definite conclusions. A discharge which is really on account of participation in union activities need not be accompanied by the statement of any specified reason. There can be no doubt that a considerable number of men sincerely believe that they were blacklisted by the telegraph companies for their activity in the strike of 1907,<sup>8</sup> and it has been repeatedly

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<sup>7</sup> Investigation of Western Union and Postal Telegraph Cable Companies, S. Doc. No. 725, 60th Cong., 2d Sess., p. 40.

<sup>8</sup> *Ibid.*, p. 39.



charged by the union that dismissals have been made on account of the union connections of the men,<sup>9</sup> and that the Western Union undertook in 1912 a systematic scheme for the detection of membership in the union on the part of its employees.<sup>10</sup>

Whether or not the companies have adopted the drastic methods decried by the union, it is certain that since the strike of 1907, at least, they have strongly opposed the organization of their employees and have taken steps to prevent the growth of the union. At the close of the strike of 1907 the Postal Company formed among its employees an association, made attractive to them by benefits paid by the company during periods of disability involving loss of wages. The association was restricted to employees of the Postal Company, and each employee desiring membership was required to agree not to retain membership or accept membership in any union while in the employ of the company.<sup>11</sup> In the case of the Western Union Company the clause in the leased-wire contracts requiring that operators employed by wire lessees "shall be subject to the approval of and satisfactory to the company leasing the wires" has been made use of to prevent the growth of the Telegraphers' Union. On account of the opposition of the Western Union, one company, a large lessee of Western Union wire, a company which had had satisfactory agreements with the Telegraphers' Union, was forced to refrain from renewing its agreement because of the pressure exerted by the Western Union, which had demanded the abrogation of the former contract with the union and the discharge of those employees who did not agree to withdraw from the union.<sup>12</sup>

Against various other large corporations similar indictments are made as to discharge of men for membership in

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<sup>9</sup> For example, see Report of President Konenkamp to fourth convention, in *Commercial Telegraphers' Journal*, June, 1912, pp. 230-234.

<sup>10</sup> *Commercial Telegraphers' Journal*, December, 1913; January, February, March, 1914.

<sup>11</sup> Investigation of Western Union and Postal Telegraph Cable Companies, p. 41.

<sup>12</sup> *Ibid.*, pp. 41-42.

unions. It was asserted by an official of the Tobacco Workers' Union that the American Tobacco Company, having purchased a factory, would send its men among the workers and secretly tell them that, if they did not get out of the organization, they would have to get out of the factory.<sup>13</sup> By the Bakers it is asserted that in 1911 some of the men employed by one of the large baking corporations in Chicago, who had been members of the union before 1903, determined to ally themselves again with it. At a meeting of the Chicago bakers' union eighteen of these men signed applications to become members. On the next day every one of the eighteen men was discharged, one of them, it is claimed, having been a spy. The company would not reinstate them; and the rest of the men, it is said, were frightened into still greater submission.<sup>14</sup>

Of the policy of the United States Steel Corporation, President John Williams of the Amalgamated Association of Iron, Steel and Tin Workers said: "The work of organization in our large iron and steel mills is made difficult not alone by the cosmopolitan character of those employed therein but also by the perfect system of espionage that has been established. The spy system is so thorough that any indiscretion is reported, and every attempt to organize is frustrated by a chain of communication that runs through the works as invisibly as an electric current flashes through a copper wire. Added to the spy system is the fear of the blacklist."<sup>15</sup> The attitude of the corporation toward organized labor was foreshadowed early in its history. At a meeting of the executive committee in 1901 the following resolution was presented by Mr. Steele and apparently unanimously approved: "That we are unalterably opposed to any extension of union labor, and advise subsidiary companies to take firm position when these questions come up and say that they are not going to recognize it, that is, any

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<sup>13</sup> Speech of I. Mesmer, Label Advertiser of Tobacco Workers, before United Mine Workers' Convention, in *Proceedings, United Mine Workers*, January, 1908, pp. 209, 210.

<sup>14</sup> *Bakers' Journal*, February 15, 1913, p. 2.

<sup>15</sup> *American Federationist*, September, 1912, p. 731.

extension of unions in mills where they do not now exist; that great care should be used to prevent trouble, and that they promptly report and confer with this corporation."<sup>16</sup> A short time later, in pursuance of this policy, twelve men who were endeavoring to institute a lodge were discharged from the Wellsville sheet mill.<sup>17</sup>

In 1912 the American Federation of Labor devised a plan whereby these unfavorable conditions were to be overcome. It was announced by Mr. Gompers that an aggressive and systematic scheme for the organization of the iron and steel workers had been formulated. Three sets of circulars were to be issued in several languages and distributed throughout the various centers of the steel industry by representatives of organized labor, speaking these languages. Circular No. 1 was to give notice of the plan to organize. Circular No. 2 was to explain the aims and objects of organized labor, and to describe in part the conditions of the mill workers at that time, as well as to outline what could be accomplished through organization. Concerning the third circular it was stated, "It will inform all workers the day and date of a meeting, and the name and address of the place in which the meeting will be held, so that all will have the opportunity of attending the meeting, and when you attend you will understand that similar meetings are being held in every town, village and hamlet in America where the iron and steel plants are located. The object of having the meetings the same day and date is to effectually prevent discrimination."<sup>18</sup> The plan, however, came to naught, the reason being, it is claimed by the union, that the Steel Corporation obtained control over all the halls for the day on which the meetings were to be held, and no place could be obtained for the men to come together.

These three factors, then—the large financial resources

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<sup>16</sup> Minutes of Executive Committee of Steel Corporation, June 17, 1901.

<sup>17</sup> *Ibid.*, July 8, 1901. See also Report on Conditions of Employment in the Iron and Steel Industry in United States, vol. iii, pp. 118-119.

<sup>18</sup> *American Federationist*, September, 1912, pp. 718, 746.



of the employer, the control over a number of plants, and the restriction of the area of employment for the men—constitute the difficulties associated with labor organization in the trust form of business. In any particular case, however, the importance of these difficulties will depend both upon the proportion of the total industry controlled by the trust and upon the absolute size of the business unit. Thus in coal mining, in spite of the great size of a number of the business units, the union has been able to build up a powerful organization, inasmuch as the proportion of the industry controlled by any one company is relatively small. On the other hand, mere monopoly—for example, the monopoly enjoyed by a local street railway company—does not necessarily involve all three difficulties, for here there may be only small financial resources, and the unionizing of the smaller and more friendly companies may provide the strength needed for carrying on the fight against larger and more hostile companies. Here also customers' demands cannot be supplied from other sources. The third factor, however, the restriction of the area of employment for the men, is operative under the above circumstances, and the consequent fear of discharge on the part of the men is one of the great obstacles in the organizing of street railway companies in some cities. Where the business unit is of such a form that all three factors are present, together with an absolute monopoly of the industry, it is there, of course, that there exist the greatest possibilities of obstruction to the organization of labor. The writer knows of no such extreme case; but the steel industry and the tobacco industry—at least until the recent dissolution of the American Tobacco Company—may be taken as examples of cases involving all the difficulties except the absolute monopoly. From the possibility of almost insuperable difficulties presented by the hypothetical case set forth above, the hindrances to the organization of labor due to the large size of the business unit vary in innumerable degrees according to the extent to which the above-mentioned factors are present.

All three of these factors, it will be observed, are simply elements in the strategical strength possessed by the employers. The extent to which they will operate, therefore, depends upon the attitude of the management of the corporation toward the union. For this reason the difficulties which these factors place in the way of organization have been spoken of as possibilities. Assuming the attitude of the corporation to be one of hostility toward the organization of labor, these possibilities will be completely realized. Even in case the attitude of the corporation is simply one of indifference, where no attempt is made to exterminate trade unionism among its employees but the union is not recognized as an instrument for collective bargaining, the possibilities of difficulty in the organization of labor will be realized to a large extent. Under such circumstances the corporation would possess the above-mentioned strategical advantages in opposing any demand made by the union for recognition or for the closed shop, thereby increasing the difficulty of the union in holding its men in the organization. In case, however, the corporation has come to recognize and to look favorably upon trade unionism, the concentration of business into large, more or less monopolistic business units need offer no peculiar impediments to the organization of labor.

This fact becomes a consideration of fundamental importance in any speculation as to the prospects of trade unionism for the future. If, as is widely contended at present, industrial advancement is vitally related to the increasing concentration of business into large units, it is true that thereby the power of employers to resist the organization of labor will be enhanced; but it does not necessarily follow that this power will be exerted. Whether or not it will be exerted must depend to a large extent upon the unions themselves. If the management of these bodies is enlightened and is in consonance with the progress of the times, if arbitrary, irritating, and needless restrictions upon the freedom of the employer are avoided, if due regard is

accorded the possibilities of scientific advancement and adequate attention and study are bestowed upon the teachings of the most competent voices in the realm of economic thought,—in a word, if trade unionism is so conducted as to draw upon it the approval and the hearty endorsement of teachers, publicists, statesmen, and finally of that intangible but most effective potentiality, public opinion, it is entirely possible that the attitude of combinations of capital toward combinations of labor may undergo a gradual transformation from one of open hostility and suppression to one of *laissez faire*, and ultimately to one of outright approval.

These combinations of capital are by no means insusceptible to public opinion. Recently we have seen extensive advertising by the New York, New Haven, and Hartford Railroad, before its dissolution, in defense of the management of that corporation. The American Telephone and Telegraph Company, in order to offset the proposals from various important sources for the government ownership of telephones and telegraphs, has likewise advertised extensively in newspapers and magazines, has issued pamphlets setting forth the relative advantages of private over government ownership, and has had its officials address various bodies along the same lines. The United States Steel Corporation also, in order to combat certain criticisms of its treatment of its laboring force, had an investigation of the labor conditions in the corporation conducted by a committee of stockholders in 1911, the report of which was distributed broadcast to stockholders and to others who might be interested. At a meeting of the stockholders of the corporation on April 20, 1914, the condition of the workers was the topic of discussion, and various workmen were brought up to testify as to their satisfaction with existing conditions. Even these great corporations feel that they must reckon with public opinion, and must justify the treatment accorded their laboring force. One need only call to mind the recent publicity campaigns of the railroads and of



the anthracite coal operators in opposition to the demands of their employees in order to understand the importance which such great employers of labor attach to a favorable public opinion in any contest with their workmen.

With the public mind in its present temper in regard to industrial combinations, with the policy of regulation of businesses concerned with a public interest become an established legal and political doctrine, it is important, if the combinations of capital are to escape unduly restrictive legislation, that they avoid antagonizing such an important section of public opinion as that embraced within the 2,700,000 trade unionists of the country. The trade unionists in the same manner must avoid policies of domineering interference or of monopolistic exclusiveness if they are to gain the approval of that controlling body of public opinion made up of neither members of labor organizations nor managers of great corporations.

We see, then, that as far as the nature of the business organization is concerned, the trust presents quite a different problem from that offered by the one-man shop or the home worker; that whereas the latter are ill adapted to the scheme of trade-union regulation, so that their existence undermines the very basis of trade unionism, the problem of the trust is due entirely to the favorable strategic position enjoyed by the employer under that form of business organization. A solution of the problem may be found in the building up through enlightened management on the part of the unions of a public opinion favorable to trade unionism.

*Employers' Associations.*—In view of the great obstacles which the existence of large combinations of capital places in the way of the organization of labor, it might be expected that the rise of employers' associations, where a number of employers are brought together in organizations generally formed for the purpose of fighting trade unions, would be looked upon by the latter with hostility. Indeed, numerous examples could be cited where such associations have dealt grievous blows to organized labor, and some of the strongest

employers' associations, like the National Founders' Association and the National Metal Trades Association, are avowedly hostile to the plans of trade unionism.

In the well organized employers' association there may exist all three of those factors affecting the organization of labor which we have found associated with the trust type of business. In the first place, the association, maintained by the contribution of a large number of employers, is able to give financial assistance at the point threatened by trade-union aggression, and may thus bolster up a comparatively small employer who would be too weak to resist alone. In the second place, the association may have facilities for breaking a strike comparable to those possessed by the trust. It may have the work of a member who is fighting a strike done in some of the other members' shops. Where this is not practicable, it may be able to supply the employer with strike breakers more readily than they could be obtained by him acting as an individual. The National Founders' Association keeps in its employ a regular body of so-called "contract molders" whom it can dispatch as strike breakers to points at which trouble arises. The National Metal Trades Association maintains bureaus at New York and Chicago by means of which it obtains strike breakers through advertisements, special inducements being offered the strike breakers in the way of bonuses, free transportation to the place of the strike, and a certificate of recommendation guaranteeing to them preference in employment by the members of the association. Finally, in the employers' association are to be found possibilities of discrimination against trade unionists or labor agitators similar to those existing in the trust. The National Metal Trades Association employs a corps of men known as "special contract operatives." They are usually members of the union, but act as secret agents of the association, and by working among the men in the shops are able to find out who are the union agitators or leaders and thus secure their discharge if this is deemed advisable. Moreover, most of the local branches of the association

maintain employment bureaus through which employers are urged to hire their men. The bureau may not ask the applicant for employment whether he is a member of a union, but his previous employers are asked concerning him; for example, whether he is a "disturber." Against such men discrimination may be practiced in giving work.<sup>19</sup>

In spite of this, however, the attitude of enlightened labor leaders is rather favorable to such associations. John Mitchell says: "The attitude of organized workingmen should not be, and as a rule is not, hostile to the organization of employers. . . . Workingmen in asserting their right to combine are obliged, by the logic of their own demands, to concede an equal right to employers. The associations of employers have resulted from the formation of unions of workmen, and each organization should be of benefit to the other. Harmony in the industrial world will be best obtained by the creation and strengthening of labor unions and employers' associations, and by the inculcation of a permanently friendly feeling between organized labor and organized capital."<sup>20</sup> On this same subject Mr. Gompers comments as follows: "In a recent lecture Dr. Lyman Abbott . . . permitted this balanced but blundering sentence to escape him: 'In industry the right of laborers to organize is denied by capitalists and the right of capitalists to organize is denied by laborers.' It seemed to us that this was the one salient expression in the doctor's whole discourse—and it is dead wrong. Nowadays, every branch of organized labor is only too happy when its employers get together."<sup>21</sup> The International Typographical Union found its relations with the American Newspaper Publishers' Association so satisfactory that at its convention in 1911 it actually passed a resolution providing that the executive council should formulate a plan whereby there might be

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<sup>19</sup> For the above information in regard to the National Metal Trades Association the writer is indebted to a manuscript article on that subject by Professor George E. Barnett.

<sup>20</sup> J. Mitchell, *Organized Labor*, p. 192.

<sup>21</sup> *American Federationist*, August, 1910, p. 682.



created an association of book and job employers of the same nature as the above association.<sup>22</sup>

The reason for this attitude of organized labor is to be found (1) in the fact that an employers' association, although representing an equal amount of capital with the large business unit, which we have just considered, possesses decidedly less strategic strength, and (2) in the possibilities which the association offers for collective bargaining.

(1) In the trust type of business organization, management and profits are centralized. The policy of the corporation toward the organization of its employees is determined by a comparatively small board of directors or executive committee; its policy, once decided upon, can be carried out firmly and relentlessly without the necessity of argument or justification as to the expediency of its action. If trouble occurs in one of its plants, it can, as we have seen, concentrate its forces upon stamping out unionism in that plant; if necessary, it can shut the plant down altogether, and depend upon its other plants for the supply of its customers' demands, meanwhile keeping up its dividends through the profits of these plants. With the employers' association it is not so. In such associations are to be found employers varying, as the Webbs say, considerably in their resources and their opportunities for profit-making.

Those making exceptional profits will not care obstinately to stand out against the men's demands, and so lose trade which they may never regain, when agreement with the trade union would still leave them a handsome surplus. To firms insufficiently supplied with capital, moreover, a long stoppage may easily be more disastrous than anything that the Trade Union asks for. In the private meetings of any employers' association during a strike, these two classes are always pressing for a settlement, and if they fail to persuade their more slow-going and highly-capitalized competitors to accept their view, they are apt at last to make peace on their own account, and so destroy any chance of the employers' successful resistance.<sup>23</sup>

It was in this way that the United Brewery Workmen overcame the opposition of the various brewers' pools which

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<sup>22</sup> Proceedings, 1912, p. 101, Report of Executive Council.

<sup>23</sup> Industrial Democracy, p. 553.

were formed in many cities throughout the country in the great struggle of 1888. "One or the other brewer would consider it to his advantage to make peace with the union. The consumption of union beer was then used as a lever to get other brewery owners out of the Pool."<sup>24</sup> In 1909 the members of the Fur Felt Hat Manufacturers' Association resolved at their meeting, and bonded themselves to the amount of \$25,000 each, to refuse to treat with the Hatters' Union; moreover, they discarded the union label. Although this action prevented a meeting between the representatives of the union and of the association, various agreements were formed with local branches of the Manufacturers' Association and with individual firms.<sup>25</sup>

It is true that in a very efficient employers' association these weaknesses may be to a large extent obviated. We have spoken of the systems employed by the National Founders' Association and the National Metal Trades Association for supplying the shop which has been struck with strike breakers, thereby enabling the employer to continue the operation of his plant; and mention has also been made of the means of preventing strikes by the facilitating of discrimination against labor agitators. Nevertheless, there is to be found among the shops of these two associations by no means the practically complete extermination of trade unionism which exists in some of the large corporations like the United States Steel Corporation, the American Tobacco Company, the National Biscuit Company, or the Western Union and Postal Telegraph companies. For five or six years prior to 1904 the Molders' Union had had an agreement with the National Founders' Association. In that year, however, the agreement broke down, and the policy of the association became one of hostility toward the union. In spite of this, according to an editorial in the Molders' Journal in 1906, agreements were signed that year by the union with many individual members of the associa-

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<sup>24</sup> Schlüter, p. 167.

<sup>25</sup> Proceedings, United Hatters, 1911, pp. 42-54.

tion.<sup>26</sup> Since that time it is probable that, with the growth of the association, the number of such agreements has greatly decreased. However, it is still true that many union molders are employed in the shops of members of the association. Among the shops of the National Metal Trades Association "the number of written agreements made by members of the Association is certainly not great, but a careful reading of the strikes reported to the Association in the last few years indicates that in a considerable number of shops the unions exert a powerful influence in determining the conditions of work and it is altogether probable that in the shops of many members, union rules quite incompatible with the Declaration of Principles [of the Association] are enforced."<sup>27</sup>

It is clearly evident, therefore, that however hostile may be the attitude of an employers' association, as an association, toward the union, the attitude of individual employers in the association is likely to vary considerably. It may be that the habit of mind or experience of some employers has led them to look with less hostility on trade unions; or it may be that the majority of shops in a certain district do not belong to the association and are organized by the union, so that even a member of the association may find it desirable to remain on friendly terms with the union in order that the field for his labor supply may not be too narrowly restricted. Likewise, where organized labor can effectively apply the boycott it may be profitable for the employer to refrain from provoking the hostility of the union. In any case, a strike in a member's shop means a certain amount of worry and loss through interference with the regular routine of the shop. Against all such losses employers' associations make no pretensions to provide. A clause in the constitution of the National Metal Trades Association before 1904 led most of the members of the association to the belief that the association undertook to insure them

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<sup>26</sup> *Iron Molders' Journal*, August, 1906, pp. 593-594; October, 1906, pp. 752-754.

<sup>27</sup> G. E. Barnett, *National Metal Trades Association*, MS.



absolutely against all losses through strikes. In 1904, however, this clause was changed, and the chairman of the committee explained that great numbers of claims had been coming in recently for such insurance, and that to satisfy them all would simply wreck the entire association.<sup>28</sup> Therefore, while employers may desire to have the protection of the association in cases of what they consider unreasonable demands on the part of the union, they may prefer to raise no opposition to the unionizing of their plant, or they may even prefer to submit to certain regulations of the union rather than be subjected to the irritation and loss accompanying a strike.

(2) Moreover, beyond this inherent weakness in employers' associations for fighting the unions, such associations possess also certain positive characteristics which make them actually favorable to the growth of trade unionism. In the first place, organization having been effected among the employers, they subject themselves to the charge of inconsistency if a right to combine similarly is altogether denied to their employees. Consequently, the opposition of employers' associations is generally declared to be, not against the principle of the organization of labor, but against the particular manifestation of organization which the union has assumed in the specific trade in question. The employer's desire for protection, however, having taken him so far as to lead him to subscribe to the general principle of organization and to submit to some extent to the authority of the association in the management of his business, the old conception of that business as his private property, to be managed—within legal limits, of course—absolutely according to his individual disposition, must undergo modification, so that in the course of time the regulations of the union may seem no more irksome than the stipulations of the association.

The result of this condition is to make the employers' association more favorably inclined to adopt the principle of

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<sup>28</sup> Barnett, National Metal Trades Association, MS.

collective bargaining than is the individual employer. Moreover, within the association we may expect to find, as mentioned above, those two classes of the exceedingly prosperous or the financially embarrassed employer, whose interests lie in the direction of peace with the union and whose influence may confidently be expected to be thrown on the side of an agreement between the association and the union, so that their coemployers may be placed upon the same competitive level as they themselves, as far as regards cost of labor. At the same time, the averseness of any employer to granting the union's demands on account of the fear of competition is lessened because of the knowledge that the same regulation will apply to all his competitors. Consequently, it may well be said, "The tendency of the association of employers is to facilitate the entrance into agreements, which are an increasing factor in the industrial situation. These agreements are made annually in many of the trades, and are undoubtedly of advantage. They avoid controversies, and secure friendly and cordial relations between the employer and the employee."<sup>29</sup>

Numerous instances can be found of successful agreements between employers' associations and trade unions.

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<sup>29</sup> Nineteenth Annual Report of Massachusetts State Board of Arbitration, January, 1905, p. 11. Mr. Gompers makes a similar statement: "The principal good reason why laborers like 'capitalists' to come together is that the latter organization usually leads to a trade agreement with the laborers. A trade agreement stands for industrial peace" (*American Federationist*, August, 1910, p. 682).

Attention should, however, be called to the fact that trade agreements are not possible with all associations of employers. Such associations may be divided into two classes: (1) trade associations, (2) general associations. The former are homogeneous bodies, confining their membership in each case to employers in one particular trade or industry. It is with these associations that the unions can form trade agreements. General associations, such as the American Anti-Boycott Association or various Citizens' Alliances, on the other hand, are heterogeneous and open their membership to employers in all trades. With them it is obvious that unions can form no trade agreements, so that, although they suffer under the disadvantages which have been described above as characteristic of employers' associations in any fight with the union, they are in no way of any benefit to the organization of labor unless perhaps in the very indirect way of acting as wholesome restraints upon the arbitrary exercise of power by the union. They are likely to arise with excesses in trade unionism.

Probably the most conspicuous example is that of the Molders with the Stove Founders' National Defense Association. This association was formed originally for the purpose of fighting the union. Efforts to put a stop to the hostilities which ensued led to the formation in 1891 of an agreement providing for conciliation. The agreement was successful not only in putting an end to hostilities but in adding to the membership of the union. At the time of the first conference between the association and the union in 1891 fully one half of the stove foundries were open or non-union shops. The conferences avoided the question of the union shop, and the foundrymen paid no attention to the unionizing of their foundries, which advanced steadily as the conferences began to bring results. "In the course of time they [the foundrymen] have actually come to lean to the other side and even to invite the national officers to organize their foundries. This change in attitude was induced by the knowledge of the discipline and faithful observance of agreements enforced by the officers of the union. A union shop was no longer a menace, because the stability which the manufacturer required was as fully guaranteed under union rules as it was under the foundrymen's personal control." By May, 1907, all but three or four of the foundries represented in the Defense Association had become union shops.<sup>80</sup>

Another example showing the possibilities of union growth under an agreement with an employers' association is furnished by the Ladies' Garment Workers. Before the strike of 1910—at the conclusion of which, in September, the protocol, or treaty of peace, was signed with the Cloak, Suit and Skirt Manufacturers' Protective Association of New York City—the membership of the cloak, suit, and skirt makers' unions of New York involved in the strike was about 6000.<sup>81</sup> By February, 1912, after the formation of

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<sup>80</sup> Frey and Commons, *Conciliation in the Stove Industry*, pp. 346, 347.

<sup>81</sup> *Conciliation, Arbitration and Sanitation in the Cloak, Suit and Skirt Industry in New York City*, Bulletin No. 98, U. S. Bureau of Labor, p. 205.



the agreement with the association, the membership of the unions had increased to about 50,000, including practically all the workers in the trade in New York City.<sup>32</sup> Since then similar agreements have been formed with six other manufacturers' associations in the ladies' garment industry.<sup>33</sup> The membership of the union in 1913 was about 114,000.

As other examples of successful relations between employers' associations and trade unions there may be mentioned the conferences of the Flint Glass Workers and the Glass Bottle Blowers with employers' associations in the glass industry, the agreements of the United Garment Workers with a number of associations of manufacturers,<sup>34</sup> the agreement of the Printers with the American Newspaper Publishers' Association,<sup>35</sup> of the Longshoremen with the Lumber Carriers' Association on the Great Lakes, and of the United Mine Workers with various associations of employers in the bituminous districts.

It may be expected that from time to time trade unions will have to meet the hostility of employers' associations. This hostility may be due to the rapid growth and consequent radicalism of the union, and in this case the association may prove a wholesome restraining power. On the other hand, it may be due to the very inertia of the union, that is, to its failure to adapt itself to changed conditions in an industry. The hostility of both the National Founders' Association and the National Metal Trades Association in the beginning was due in large part to the opposition of the unions to the introduction of machines and the inauguration of new methods of management, such as bonus and efficiency systems. Time may be expected, however, to convince the union that it must bow to the inevitable and suit its regulations to the changed conditions.

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<sup>32</sup> Ibid., p. 213.

<sup>33</sup> Conciliation, Arbitration and Sanitation in the Dress and Waist Industry of New York City, Bulletin Whole No. 145, No. 5, U. S. Bureau of Labor Statistics, p. 7.

<sup>34</sup> Ibid., pp. 154-155.

<sup>35</sup> Barnett, *The Printers*, pp. 345-351.

The president of the National Founders' Association reported in 1912 that many proprietors of union shops had introduced molding machines and improved appliances and were operating them with little or no opposition from the union. This condition, he said, was in marked contrast to that which prevailed prior to 1906. Many a union shop, he said, was producing a satisfactory output on molding machines operated by handymen.<sup>36</sup> The experience of the union with a hostile association has evidently had its effect. Now that the union has modified its position so that even the association admits that a satisfactory output may be obtained under union regulations, the greatest obstacle in the way of the restoration of friendly relations between the two organizations is eliminated, and it is not altogether utopian to expect that the history of the Stove Founders' National Defense Association may be duplicated in the formation of an agreement between the union and the association.

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<sup>36</sup> Proceedings, National Founders' Association, 1912, p. 17.

## CHAPTER VIII

### THE TECHNICAL NATURE OF THE TRADE

In the two preceding chapters we have been concerned with the effects upon the organization of labor of certain types of business units or groupings of employers. We shall now consider the effects of certain conditions in what may be called the technical nature of the trade or industry. Under this heading will be discussed (1) the difficulties in organization brought about by the overlapping of trades, and (2) those arising from changes in industrial processes or methods.

*The Overlapping of Trades.*—In the absence of a single organization embracing all the workmen in every trade or industry within a definite territory, and under a system of organization such as that existing in this country, wherein the field is left open to a great number of unions, each claiming control over a particular group of workers, it is extremely desirable that these groups shall be clearly defined, easily distinguishable, and mutually exclusive. Not only is this important in order that all those performing any particular kind of work may be included in the regulations of the union as to the standard rate and other conditions for that work, but also in order that various unions, in their ardor for increasing the size and power of their organizations and for extending the opportunities of employment for their members, may not be tempted to trespass upon the domain claimed by a sister union. To be exact, however, "trespass," connoting, as it does, the idea of culpability, is too strong a word; for the crux of the whole difficulty which we are now about to consider lies in the fact that, of two contending unions, each may have equally weighty claims to control over the work in question.



Unfortunately for the welfare of trade unionism, the work proper to all occupations cannot be marked off so clearly as that of the barber or the locomotive engineer. Consider, for example, the work of the sheet metal worker. According to the constitution of the Amalgamated Sheet Metal Workers' International Alliance, that union claims jurisdiction over the following work: "All metal roofing, the manufacturing, erection and finishing of metal cornices, metal skylights, metal furniture, metal lockers, hollow metal doors and trim, metal sash and frames, metal ceilings and sidings (both exterior and interior), all sheet metal work in connection with heating and ventilating, furnace and range work, metal jobbing, assortment work, coppersmithing, and all sheet metal work made of No. 10 gauge and lighter; providing, however, this gauge restriction shall not apply to coppersmiths in the working of copper, who shall have jurisdiction over copper of any and all gauges."<sup>1</sup> This long enumeration evidences the difficulty which has been experienced in making a succinct but inclusive classification of the work considered proper to the sheet metal worker. Moreover, these various kinds of work are of such a nature that in all directions they taper off almost indistinguishably into the work of men nominally the members of some other craft. That is to say, the boundary line marking off the work of the men of this organization from that of men of other organizations is in many cases of an extremely hazy, uncertain, and disputable nature.

Thus arises one of the most potent of all the influences militating against the better organization of the Sheet Metal Workers, namely, the so-called jurisdictional dispute. The history of the above organization is replete with examples of such disputes, now with the Stove Mounters in regard to sheet metal work upon stoves; now with the Structural Iron Workers in regard to the thickness of metal to be handled by each organization; now with the Boilermakers concerning the working of iron heavier than No. 16 gauge; now

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<sup>1</sup> Constitution, 1911, art. vi, sec. 2.

with the Painters in regard to the setting of glass in metal sash; now with the Slate Roofers in regard to the laying of tin on the edge of slate roofs; now with the Steam Fitters because coppersmiths in railroad shops are doing pipe fitting; finally, and by far most important, with the Carpenters, principally in regard to the erection of metal trim.<sup>2</sup>

In each of these cases the work in dispute could be performed equally well by either of the contending parties, and by what particular craft it should be done is debatable. The settlement of the question, then, becomes a matter of amicable adjustment, of arbitral decree, or of industrial warfare. Thus far in the experience of trade unions in this country the first two of these methods have proved inadequate for the solution of the problem. Consequently, resort has been had to the crude and costly processes of the third method, and the determination of the controversy has turned upon which contestant possessed the greater strategical resources or was able to rally to its side the stronger support of other unions. The manner in which such controversies hinder the organization of labor has already been pointed out in Chapter IV, where the evils of jurisdictional disputes were considered.

These disputes due to difficulties in determining the demarcation of trades are especially frequent in the building industry, where trades are much subdivided and labor organizations correspondingly numerous. Of the nineteen or twenty building trades scarcely one has been without demarcation disputes at times, while in the case of some, like the Carpenters, the Bricklayers, the Plasterers, the Sheet Metal Workers, the Stone Cutters, and the Granite Cutters, these disputes have been constant.

*Changes in Technical Processes.*—Other things being equal, stability in the technical processes or methods of an industry is a condition favorable to the growth of labor organization, and the frequent introduction of new proc-

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<sup>2</sup> See Reports of President O'Sullivan, Proceedings, 1909, in Journal for September, 1909, p. 346, and Proceedings, 1911, in Journal, September, 1911.

esses or new methods is an obstacle in the way of such growth. Here we are not concerned with any difficulties that may exist after the change in technical processes has once been completely accomplished and the new methods have been firmly installed, but with those difficulties which arise during the period of transition. In other words, these difficulties may be said to be due to the dynamic characteristics of our economic life. Two possibilities of danger to organization inhere in the introduction of new processes in an industry: (1) the opening up of new sources of conflict between one union and another in the way of demarcation disputes, (2) the opening up of new sources of friction between the union and the employer. Each of these difficulties will be considered.

(1) The traceableness of demarcation disputes to the overlapping of trades has just been described. But, difficult as is the matter of making a just decision as to which of two contending unions may rightly be entitled to work that is on the boundary line between two closely connected trades, it is altogether probable that, provided the question at issue itself remained the same, ultimately—whether through the triumph of right or of might—some practical determination of the matter would be reached, and the dangers of demarcation disputes eliminated for the future. The attainment of this very desirable state of affairs, however, is impeded by the fact that, with the introduction of new processes—new methods, new machinery, or new materials—the grounds for controversy are constantly shifting. Thus a recent writer, discussing demarcation disputes in the building trades, says: "So numerous are the disputes growing out of the introduction of new materials that it might well be maintained that if no more new materials were introduced into the construction of buildings the unions in the building trades would gradually reach an adjustment of their claims which would almost entirely eliminate demarcation disputes."<sup>3</sup>

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<sup>3</sup> Whitney, p. 110.



Numerous examples of disputes due to changes in technical processes might be given. Suffice it to cite one or two instances illustrating the manner in which the dispute may arise. The introduction of the plaster block partition led to disputes in 1902 in Boston between the Bricklayers and the Operative Plasterers as to the right to install this new material. By one union the work was claimed as part of bricklaying, because it was a substitute for brick and tile, by the other union, as part of plastering, because plasterers' tools were used in preparing the bed and cross joints for the blocks.<sup>4</sup> The introduction of hollow tile and block arching for fireproofing likewise led the Bricklayers into disputes with laborers' organizations claiming jurisdiction over the same work.<sup>5</sup> The frequent disputes of the Sheet Metal Workers with various organizations have already been mentioned. In many of the cases the trouble was due to the introduction of some new material. Thus the increasing use of hollow metal doors and trim led to disputes with the Carpenters, and the use of metal furniture to disputes with the Structural Iron Workers.<sup>6</sup>

Not only the introduction of new materials, but changes in the form of the division of labor may also lead to demarcation disputes. The tendency of modern times is toward increasing specialization. Occupations which were formerly considered within the domain of a single trade have become each a separate trade. Whereas formerly the trade of masonry was regarded as including the cutting as well as the setting of stone, at present in nearly all sections of the country this work is divided into two trades. The result has been continual trouble between the Granite Cutters and the Stone Cutters on the one hand and the masons belonging to the Bricklayers and Masons on the other hand, because the latter persisted in disregarding the differentiation which had arisen between the work of stone cutting and that of stone setting. Sometimes, however, the parts

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<sup>4</sup> Whitney, pp. 111-112.

<sup>5</sup> Ibid., p. 112.

<sup>6</sup> Ibid., p. 113.

are reversed, and the Masons engage in demarcation disputes with the Stone Cutters because the latter set stone as well as cut it.<sup>7</sup> Therefore, we may say of these demarcation disputes that, while the overlapping of trades provides the powder, as it were, for possible explosions, changes in industrial processes usually supply the spark by which the powder is ignited.

(2) In addition to the possibilities of danger to the organization of labor which the changing of technical processes or methods involves through the opening up of new sources of conflict between one union and another, there is also the danger arising from the opening up of new sources of friction between the union and the employer. The proximate if not the ultimate goal of trade unionism is the establishment of systems of collective bargaining. The successful working of such a system is promoted by its reduction as far as possible to a matter of routine, so that the questions which arise year after year at the conferences between employers and employees may all be more or less standardized, and in course of time both the union and the employer may come to understand and appreciate the attitude of one another on these matters. The introduction of new processes hinders this consummation. The question is then raised as to how the union shall deal with these new processes. A new policy must be decided upon with reference to the matter and this policy harmonized with the employer's plans. Thus it must be decided whether or not the union shall oppose the new process. If unopposed, shall the union maintain control over it, and to what extent, if any, shall the union profit by it? Shall the men receive all of the benefit resulting from economies in the new process; or shall they receive a part, and if so, what part; or shall all of the benefit go to the employer; or, where the new process results in the lessening of the skill required by the workmen, shall the latter submit to an actual reduction in wages?

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<sup>7</sup> Whitney, p. 106.

Such questions constantly arise with changes in industrial processes. President Valentine of the Molders, speaking at the convention of 1907 of the development of molding machines, said:

It is now a problem of pronounced difficulties. The value of the machine to the foundryman is largely determined by the amount of labor and skill it eliminates from the work of the molder. Some perform but one operation while others perform a number of operations. . . . The problem for us is to determine the best policy to be pursued in dealing with the machine. . . . It must be apparent to those who have given the subject intelligent consideration that it would be impossible to suggest a policy or specific legislation general in its application to all machines. Each type of machine might possibly be a problem unto itself and require different treatment from that which could properly be accorded its neighbor.<sup>8</sup>

In some cases the changes taking place in an industry may amount to a miniature "industrial revolution." Consider the foundry industry, for instance. In 1876 the editor of the *Iron Molders' Journal* was able to declare, "There is nothing to prevent the molders from controlling the trade thoroughly; there is no competition from machinery; there is no foreign competition, and there will be none."<sup>9</sup> The editor, however, proved himself a poor prophet. As an evidence of the extent to which machinery has been introduced, almost eliminating the necessity for skilled molders, the following report is given by the secretary of the National Founders' Association as typical of the reorganization of a foundry accomplished after a strike:

	Before the strike	After the strike
Journeyman Floor Molders .....	7	1
Journeyman Bench Molders .....	2	0
Molders' Apprentices and Specialty Molders..	8	14
Machine Operators .....	13	15
Coremakers, Journeymen .....	17	4
Unskilled Coremakers and Apprentices .....	17	29
	<u>64</u>	<u>63</u>

"In other words, the proprietor at the conclusion of his strike had so classified his work that he employed 19 less

<sup>8</sup> Proceedings, 1907, p. 9.

<sup>9</sup> *Iron Molders' Journal*, October, 1876, p. 98.



skilled mechanics, having replaced them with the same number of unskilled men."<sup>10</sup>

In trades like those of the molder and the coremaker, where a considerable degree of skill has been acquired by the workman after a long period of apprenticeship, so that he has come to look upon himself as having almost a vested right in his skill, a readjustment like that pictured above is no simple matter. And just as the whole regulative scheme of industry was thrown out of gear by the so-called industrial revolution at the end of the eighteenth century, in like manner the smooth and harmonious development of trade unionism as part of the regulative system of modern industry is retarded by these minor industrial revolutions which occur every now and then in particular industries. Whether or not a union is to pass safely through the storm must depend upon its adaptability to the changed conditions.

It does not happen in every case, of course, that the attempt to solve these problems leads to open rupture between the union and the employer. In spite of such difficulties the Molders have maintained amicable relations with the Stove Founders' National Defense Association for many years, although even in this case it is stated that a satisfactory agreement was reached only as late as June, 1914, after the matter had been very prominent in the conferences of the two associations for seven years and had caused serious concern and apprehension to the representatives of both associations.<sup>11</sup> In the glass bottle industry, where problems of momentous importance to the men were presented by the introduction of the semi-automatic and the automatic jar and bottle blowing machines, adjustments have so far been carried out apparently without any decided detriment to the organization of the Glass Bottle Blowers' Association. But here also, as in the case of the stove molders, there was in existence a well established system of collective bargaining, so that there was a better spirit of mutual confidence and understanding than there would have been if the attempt

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<sup>10</sup> Proceedings, National Founders' Association, 1912, pp. 22, 23.

<sup>11</sup> International Molders' Journal, July, 1914, pp. 565-566.

were just being made to establish such a system. In the printing industry the introduction of the linotype took place without any detriment to the organization of the Typographical Union. Doubtless other similar cases might be cited. But although it may be thus demonstrated that in various particular instances changes in industrial processes have occurred and suitable adjustments in trade-union policy have been accomplished without any harmful effect upon the organization of labor in the industry affected, it would be difficult to establish that such changes are ever of actual benefit to the organization of labor.

On the other hand, instances of positive detriment can be pointed out. In 1899 the Molders entered into the so-called New York Agreement with the National Founders' Association. It was hoped that this agreement would bring about the same conditions of successful collective bargaining in the machinery branch of molding as then existed in the stove branch under the agreement of 1891 with the Stove Founders' National Defense Association. Agreements were entered into with the National Founders' Association up to 1904. These agreements covered principally the question of wages. As to a number of matters, however, no satisfactory settlement could be reached, among them being piece work, apprentices, and control over machines and appliances—the latter, it will be observed, a question due to a change in processes. Finally, the manufacturers in their "Outline of Policy" asked for a general or national form of agreement, providing among other things for leaving the method of operating molding machines optional with the foundrymen. The union would not agree to these propositions, and in November, 1904, the New York agreement was abrogated by the association. It is difficult to estimate just what importance should be attached to the irritation caused the employers by the policy of the union toward the machines. It may be said, however, that in 1913 the president of the National Founders' Association, in commenting upon the success achieved by that association in its applica-

tion of the "Outline of Policy," spoke of the results of this policy in regard to machines as second in importance only to those in regard to the removal of the limitation of apprentices.<sup>12</sup> We may judge of the loss caused the union by the failure of this agreement by recalling the previously described experience of the Molders with the Stove Founders' National Defense Association and the growth in membership resulting therefrom.

In the stone-cutting trade is to be found an example of the evil effects which may result from the changes in processes brought about by the introduction of machinery. Beginning with 1895, the introduction of the machine for planing soft stone was fairly rapid. Before this time the cutting of soft stone had been strictly a hand operation, performed by a skilled workman who had spent several years in learning his trade. The change taking place in the trade, apparently dispensing with part of the heretofore requisite skill and opening up possibilities of a considerable displacement of labor, necessitated the formulation of some new policy by the union to cope with the changed situation. The policy actually pursued was one of hostility to the machine. Restrictions were placed on the shipment of planer-cut stone from one branch of the union to another, and the introduction of the planer in branches where it did not already exist was opposed. Rules were also adopted restricting the number of hours a planer might be operated, and requiring that planermen should be stone cutters and that a certain number of hand cutters should be employed for each planer. The latter rule, a local one, was adopted by a number of branches but never by the national union.

The fruits of this policy were not only difficulties in the enforcement of the rules on account of serious divisions in interest among the branches, but also the stirring up of a powerful opposition on the part of the associated employers, resulting in numerous strikes and in the formation of dual unions by the employers. The National Cut Stone Con-

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<sup>12</sup> Proceedings, November, 1913, p. 10, Report of President.



tractors' Association was formed at Chicago in 1904. One of its purposes was to protect members against the Stone Cutters and particularly against restrictions on machinery. As an aid in fighting the established union, the association inspired the formation of a dual national union; and in May, 1905, delegates from dual local unions in eight or nine large cities met in Pittsburgh and organized the National Stone Cutters' Society. The purpose of the new national union was to organize independent local unions whenever branches of the old union refused to comply with the rules of the contractors regarding the machines. Not until quite recently has an understanding between the two rival unions been concluded.<sup>13</sup> Meanwhile the organization of labor in the industry was suffering from all the evils that have been set forth as incident to jurisdictional disputes.

Another example of the failure of a union to modify its policy in adequate consonance with the development of technical processes is found in the steel industry. Conditions in this industry about 1890 have been summarized as follows:

The general policy of the Amalgamated Association [of Iron and Steel Workers] . . . had from the beginning been very exclusive, so that the union embraced only the more highly skilled men in a comparatively limited part of the rapidly developing steel industry, and the organization of lodges in the steel mills was in large part merely incidental to the development and strengthening of the organization in what may be called the iron branch of the industry. At no time in the history of the Amalgamated Association was any attempt made to work out a logical scheme for dealing with the highly complex situation in the steel mills, nor was even a separate branch organized for unifying the many lodges which developed in connection with the large steel plants. The scales for the steel plants were left almost entirely to the individual local lodge, and as a result of this policy the widest discrepancies existed between the scales for different steel plants. . . .

The industry and its mechanical equipment were developing at a rate that has hardly been equaled in any other industry, and it was impossible to make the constant readjustments in wages and general working conditions which the new manufacturing methods demanded without considerable opposition from the members of the union.

<sup>13</sup> For a full account of the experiences of the stone cutters with the machine see G. E. Barnett, "The Stonecutters' Union and the Stone-Planer," in *Journal of Political Economy*, vol. xxiv, pp. 417-444.

The constant friction which arose in readjusting working conditions proved a source of great irritation to the manufacturers, and there is no question that they were impatient at all times to be rid of the obstacles which the union placed in the way of their making changes in the working conditions of their plants in any way and at any time they saw fit.

This was a period, moreover, of the greatest rivalry between the steel manufacturers. Every effort was bent to the establishment of new records of production, and both men and machines were driven to the utmost in order to produce new records which would startle the manufacturing world. The Amalgamated Association had definitely attempted to carry over into the rapidly developing steel branch of the industry many of the restrictions on output which had prevented overspeeding in the iron branch of the industry. Any sort of restriction on output was naturally distasteful to steel manufacturers, and the forms of restriction used by the unions were in many cases illogical and not applicable to the new methods of production which had been developed. The profits of the industry during this period were very large, and while this situation led the manufacturers to accept almost any conditions under pressure, on the other hand, the results which many of the manufacturers were getting served only to increase the envy and emulation of the other manufacturers. As a result of the working of these various forces and motives, the steel manufacturers, particularly in Allegheny County, constantly attempted to rid themselves of the presence of organized labor in their mills. Most of these attempts did not result in serious trouble, because usually the lodges were very strong and the attempts to break their power were abandoned before any considerable dispute had been caused.<sup>14</sup>

In 1892, however, occurred the famous Homestead strike and other sympathetic strikes lasting for five months, in which the union was completely beaten and the workmen were compelled to return under individual contracts as non-union men. The organization was so weakened that it was unable to hold its membership even in the iron mills of the Pittsburgh district, which had formerly been thoroughly organized. The membership fell from 20,975 in 1892 to 10,000 in 1894, and it remained at this figure practically unchanged till 1900.<sup>15</sup>

In recent years efforts toward increasing the productivity of industry have been directed along another line besides the introduction of machinery—a development which has again brought on conflicts between employers and organized labor.

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<sup>14</sup> Report on Conditions of Employment in the Iron and Steel Industry in the United States, vol. iii, pp. 113, 114.

<sup>15</sup> Report on Conditions of Employment in the Iron and Steel Industry in the United States, vol. iii, p. 116.

Close observation and careful timing of the elementary movements required for the performance of various operations of workmen have led certain managers to the conviction that under the traditional methods employed a great waste of energy has been involved, and that by detailed study, careful planning, and close coordination, standardized methods and specialized skill may be perfected which will reduce waste to a minimum, conserve the energies of the workman, and add enormously to his possibilities of production. As an incentive to the employee to make use of the approved methods and put forth his best efforts, it is part of the plan that certain premiums be offered for all work accomplished beyond a specified amount. This in brief is the so-called system of scientific management.

Concerning the merits of this system it is not our place here to inquire. But we should take notice of the fact that the new system, disturbing as it does the established methods of work, and running counter to some of the most deep-rooted prejudices of workmen—for example, those in regard to timing by shop watch and rewarding by premium—is looked upon, to say the least, with undisguised suspicion by organized labor. It is thought that its claims for increased productivity are but the visions of theorists; and it is feared that increased effort and nervous strain may lead to the physical deterioration of the workman, that somewhere in the system a “snake” is concealed, and that it may be a cunningly devised scheme of employers to introduce sweat-shop methods or through increased specialization to lessen the independence of the employee, thereby threatening the very existence of the union itself. Moreover, there is the fear that, if the system is successful in increasing the output of the individual workman, part of the working force may be dispensed with, and some workmen, temporarily at least, thrown out of employment. Consequently the first impulse of organized labor has been one of opposition to the new system. This is illustrated in the case of the Machinists. President O’Connell in his report to the convention in 1899



urged that some definite policy be adopted as to the position of the union in the future regarding the introduction of piece-work and premium plans. He thought that a wise policy would be to face the inevitable, select the best system, and control it, and that thereby a large number of manufacturers whom the union was constantly fighting might be rapidly unionized. A special committee to which this part of the report was referred made substantially similar recommendations and proposed a very stringent plan for the regulation of the premium system. The report, however, was almost unanimously rejected. The president advised that some arrangement be adopted to regulate the system, but the storm was on, he says, and the plan was swept aside.<sup>16</sup>

The hostile attitude of trade unions toward the bonus system is best evidenced by the attitude of the Locomotive Engineers. This union, "the least chargeable of all unions with restrictive policies, required the Sante Fe Railroad officials to abandon it after a few months' trial. At the conference when this decision was reached, the heads of the organization avowed their willingness to cooperate, but said, 'so far as this prize system that you have at the present time, we are all afraid of it. We are afraid of the principle behind it.'"<sup>17</sup>

This matter of the proper limits of the authority of employer and union in regard to the introduction of new processes or new methods is one concerning which it is very difficult to lay down any general principles for guidance. On the one hand, the employer, who assumes the risk of the enterprise, feels that all policies tending to increase the efficiency of his business should be within his own control. The union, on the other hand, fearing that the untried innovation may lead to the displacement of some of its members or the weakening of its power as an organization, feels that it too has a vital interest in the determination of the new

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<sup>16</sup> Engineering Magazine, June, 1900, pp. 375, 376.

<sup>17</sup> J. R. Commons, "Labor's Attitude toward Efficiency," in American Economic Review, vol. i, pp. 468, 469.

policy. Thus arises a conflict of interests. The employer, anxious to place his enterprise upon the most efficient basis—nay, perhaps by the force of competition compelled to do so—is apt to look upon any hampering policies of the union as reactionary, unreasonable, or even pernicious.<sup>18</sup> Therefore he embraces whatever opportunities arise for casting off this galling yoke of trade unionism; lockouts and strikes ensue; and the strength of the organization is sapped.

How may the destructive conflicts incident to changes in industrial processes or methods be avoided? At the outset it should be noted that they may be absent or may be minimized in importance where the union is either exceptionally strong or extremely weak. In the one case the union may force its policy upon the employers, as occurred in the opposition of the Locomotive Engineers to the introduction of scientific management.<sup>19</sup> In the other case the union may be powerless to offer any resistance to the policy of the employer, as is true in the steel trust at present. Regardless of the desirability of either of these conditions, however, it may be said that the normal state of trade unionism is in conformity with neither of them, but is represented rather by a mean between the two, where the union, although a power to be reckoned with, possesses no such control as did the Locomotive Engineers. Under these circumstances, in order to avoid strife in regard to the introduction of new processes or methods, it is necessary that there should be (1) an assurance to the employer that he is not denied through union regulation the use of the new process which his non-union competitor may avail himself of unhampered; (2) the presence of a spirit of mutual confidence and conciliation on the part of employers and employees.

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<sup>18</sup> The attitude of Mr. Frederick W. Taylor, the originator of "scientific management," and that of men of similar training and experience is that the employee has no right to control or participate in the management of the establishment (C. B. Thompson, "The Literature of Scientific Management," in *Quarterly Journal of Economics*, vol. xxviii, p. 552).

<sup>19</sup> It is a question how long such opposition could be effective if it were out of harmony with sound economic principles.

If the first condition is present, the employer himself assumes responsibility for a delay in the introduction of the new process. If the second condition is present, neither employer nor employee will be dogmatic as to the possibilities of the new process or arbitrary concerning the terms of its introduction. The realization of this desideratum may be accomplished by the formation of a trade agreement. The mere formulation of an agreement providing for conciliation or arbitration is not, however, in itself a guarantee for the attainment of a spirit of mutual trust. This must come about through the continued manifestation of an attitude of conciliation and a practice of good faith by both association and union. It is advantageous for the development of mutual conciliation and confidence that the number of points at issue should be reduced to the smallest possible number; and it is, as we have seen, partly for just this reason that changes in industrial processes constitute an obstacle to the organization of labor. We have seen, for instance, that this was one of the reasons why the agreement of the Molders with the National Founders' Association failed after an existence of only four or five years. On the other hand, in the stove industry, where the agreement with the Stove Founders' National Defense Association had been in existence for a number of years before the question as to the introduction of machines became acute, a spirit of mutual confidence and conciliation had developed, so that it was possible to maintain friendly and harmonious relations in spite of the fact that the subject has been very prominent in the conferences of the two associations for many years and has caused serious concern and apprehension to the representatives of both organizations.

We see, therefore, that it is possible to bring about peacefully the introduction of new processes without the domination of either the employer or the union, by reaching an adjustment embracing to some extent the contentions of both parties. But while it is well enough for the union to aim for the trade agreement as an advanced step in its efforts to regulate labor conditions, the question arises as to what



policy should be pursued in the absence of such an agreement, due perhaps to the lack of an employers' association or to the weakness of the union. The determination of this policy depends upon a host of empirical considerations.

For each separate change in industrial processes a different policy on the part of the union might be required. In one case, as shown by Professor Barnett, it may be wise for the union to insist that its own skilled members be placed in charge of work on a new machine, as was done by the Typographical Union when the linotype was introduced.<sup>20</sup> In another case, however, where the operation of the new machine can be performed satisfactorily by unskilled labor, such a policy might lead to conflicts with employers, as it did in the Molders' attempts to control the molding machine. Again, the Webbs contend that it is, generally speaking, bad policy for skilled workmen to attempt to compete with a machine by lowering their rate, yet under certain circumstances even such a step appears to be justifiable, at least temporarily. Thus the Glass Bottle Blowers, in order to provide some relief for a large portion of their members who were unemployed on account of the introduction of the automatic bottle and jar machine, lowered their rate and thereby opened up the way for the employment of a great number of their idle members. The step was taken not without misgiving, and could not be pursued continuously; but, considering the special circumstances in that trade at the time—the high rate of pay received by skilled glass bottle blowers and the fact that it was utterly impossible for all the men to obtain employment at that rate—the procedure would seem to have been justifiable. In this case it is true that the union was aided in carrying out its policy by a long-standing agreement with the associated employers.<sup>21</sup> The case is cited, however, as indicative of the

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<sup>20</sup> G. E. Barnett, "The Introduction of the Linotype," in J. R. Commons, *Trade Unionism and Labor Problems*, pp. 271-273.

<sup>21</sup> For information in regard to the introduction of machinery in the glass bottle industry the writer is indebted to manuscript articles of Professor Barnett on the semi-automatic and automatic bottle and jar blowing machinery.

danger in adopting any dogmatic policy to be vigorously pursued under all circumstances.

Where the union is not very strong and is endeavoring to gain a foothold in an industry, the wisest policy for the union may be for it to allow the employer a free hand in the introduction of new processes or new methods, to devote its efforts to the regulation of wages and hours, and to proceed slowly even in these matters. This has been the policy of the Boot and Shoe Workers' Union in its efforts to build up an organization in that industry. In 1902 President Tobin explained the policy of the union as follows: "Since the adoption of our present form of arbitration, coupled by the present Constitution, your executive officers have found it to be decidedly to the advantage of the Organization to concede wholly to the employer the right to hire and discharge, and also to determine under what system work should be done and by conceding this very fruitful source of trouble peculiar to our old form of organization, we have avoided many serious disagreements and our members have not suffered materially in individual cases, while the membership as a whole has been decidedly benefited and solidified."<sup>22</sup> Although conceding to the employer the right to determine the system under which work should be done, the union still reserved the right to negotiate with the employer as to compensation and the way in which the work should be divided among the employees; and in the event of failure to agree, the employer was obliged under the agreements formed to submit the case to arbitration.

The Boot and Shoe Workers, under this policy of devoting their energies primarily to the work of organization, with the expectation of gradually bettering conditions as the union increases in power, have built up a large membership—34,300 in 1913—and have attained considerable success in maintaining harmonious relations with the employers. In the report of the Massachusetts State Board of Conciliation and Arbitration in 1913 it is stated: "The

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<sup>22</sup> Proceedings, 1902, p. 7.

Brockton Shoe Manufacturers' Association and the Boot and Shoe Workers' Union, like the springs of an arch meeting from either side, are joined in a trade agreement which makes of their industry a solid organization cemented by good will."<sup>23</sup>

In this age of science and invention, when change and development in technical processes are the order of the day, it is evident that the problems of trade-union policy connected with such changes are extremely numerous. The attitude of organized labor is probably well expressed in the words of Mr. John Golden, president of the Textile Workers. "It is natural," he says, "that the wage earner should look with suspicion upon any change, or any proposed change in the ordinary conditions under which he works, and it is proper that he should do so, in my judgment."<sup>24</sup> In the early days of trade unionism this suspicion took a more positive form in the attempts of workmen to prevent the introduction of machinery. Now, however, generally speaking, organized labor has learned by experience the utter futility of such efforts, and, except in some isolated instances, no fight is made against the machine as such. Even so, its introduction is not always accomplished without a clash of arms. Thus Mr. Golden, while declaring that during his twenty-five years of connection with trade unionism, both in this country and in England, there had never been a single strike in the textile industry against an improved machine, also asserted, "But we did strike against the conditions that were imposed when the new inventions came into fashion."<sup>25</sup>

Such strikes, however, although detrimental to the growth of organization, may be justifiable, so that the standing of trade unionism before the bar of public opinion is not harmed. On the other hand, if the attitude of the union is simply one of opposition to the introduction of some

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<sup>23</sup> Annual Report, Massachusetts State Board of Conciliation and Arbitration, for year ending December, 1913, p. 9.

<sup>24</sup> J. Golden, "The Attitude of Organized Labor," in *Journal of Accountancy*, vol. xii, p. 189.

<sup>25</sup> *Ibid.*, pp. 191-192.



new process, it may appear to a considerable section of the public that trade unionism is an obstacle in the way of progress, and that its extension should, to say the least, receive no encouragement. It is incumbent, therefore, upon the officers directing the policies of trade unions to examine with the utmost candor, painstaking, and thoroughness any proposal for the promotion of efficiency in production before allowing the impression to get abroad that trade unionism is opposed to that proposal, as is at present true in regard to the question of scientific management. This matter becomes of large importance when we take into consideration the great value of public opinion as a factor in promoting organization, especially among those classes of workers otherwise difficult to organize. A discussion of this factor is presented in the following chapter.

## CHAPTER IX

### GENERAL ECONOMIC CONDITIONS AND PUBLIC OPINION

The growth of trade unionism as a whole in any country is very largely affected by two important factors in the general economic conditions of that country. These are (1) the state of business activity, and (2) the degree to which population has been concentrated in cities of a fair size. Another factor which exerts a powerful influence upon the growth of trade unionism as a whole is the state of public opinion in regard to that movement. In this chapter the effect of each of these factors upon organization will be considered.

(1) It is a circumstance frequently commented upon by trade-union leaders that organization has in their particular unions either been retarded in its progress or actually thrown back by a period of industrial depression. As we have seen, President Perkins of the Cigar Makers, in attempting to prove the value of benefit systems, speaks of the fact that, before the establishment of its system of substantial benefits, that union had suffered heavily during the period of stagnation in the seventies, the membership falling from 5800 in 1869 to 1016 in 1877.<sup>1</sup> In another place he states that the value of the benefit system of the Cigar Makers is shown by the fact that during the long industrial depression after 1893 the membership of that union was maintained intact, while the membership of the Brotherhood of Carpenters and Joiners sank from 60,000 to 17,000. Other unions with low dues, he says, had a similar experience.<sup>2</sup>

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<sup>1</sup> Letter of G. W. Perkins, in *The Official Journal* [Hod Carriers and Building Laborers], January-February, 1908.

<sup>2</sup> Letter in *The Official Journal* [Hod Carriers and Building Laborers], December, 1904, pp. 13-14.

In order to perceive clearly the effect of general business conditions upon the growth of trade unionism as a whole, we should study the statistics of trade-union membership from year to year and observe their course through periods

TABLE V

COMPARISON OF GROWTH OF NUMBER AND MEMBERSHIP OF UNIONS IN NEW YORK STATE WITH GENERAL CONDITION OF BUSINESS, 1894-1912

Year	Condition of business <sup>3</sup>	Membership <sup>4</sup>		Number of unions <sup>4</sup>	
		Total	Per cent increase (+) or decrease (-)	Total	Increase
1894	Deep depression.....	157,197	....	860	...
1895	Brief revival.....	180,231	14.7 +	927	67
1896	Return of depression.....	170,296	5.5 -	962	35
1897	Improvement in second half year..	168,454	1.1 -	1009	47
1898	Rising prosperity.....	171,067	1.6 +	1087	78
1899	High tide of prosperity.....	209,020	22.2 +	1320	233
1900	Slight pause in activity.....	245,381	17.4 +	1635	315
1901	Prosperity in general business....	276,141	12.5 +	1871	236
1902	Prosperity continued.....	329,101	19.2 +	2229	358
1903	Financial liquidation, business still active.....	395,598	20.2 +	2583	354
1904	Mild industrial depression.....	391,676	1.0 -	2504	*79
1905	Rapid gain in prosperity.....	383,236	2.2 -	2402	*102
1906	High tide of prosperity.....	398,494	4.0 +	2420	18
1907	Crisis and severe panic in October to December.....	436,792	9.6 +	2497	77
1908	Deep depression in trade and industry.....	372,459	14.7 -	2444	*53
1909	Recuperation marked in second half year.....	372,729	0.1 +	2368	*76
1910	Return of depression in second half year.....	481,924	29.3 +	2457	89
1911	Mild depression.....	504,314	4.6 +	2498	41
1912	.....	526,672	4.4 +	2469	*29

\* Decrease.

of prosperity and of depression. We have no official statistics for trade-union membership as a whole throughout the United States for any number of years, but the New

<sup>3</sup> W. C. Mitchell, *Business Cycles*, p. 88.

<sup>4</sup> Annual Report of the Bureau of Labor Statistics, N. Y. State Department of Labor, 1912, p. xl.



York Bureau of Labor Statistics provides this information for New York State since 1894. A study of the fluctuations in the membership of trade unions in this State discloses the manner in which membership is affected by general business conditions.

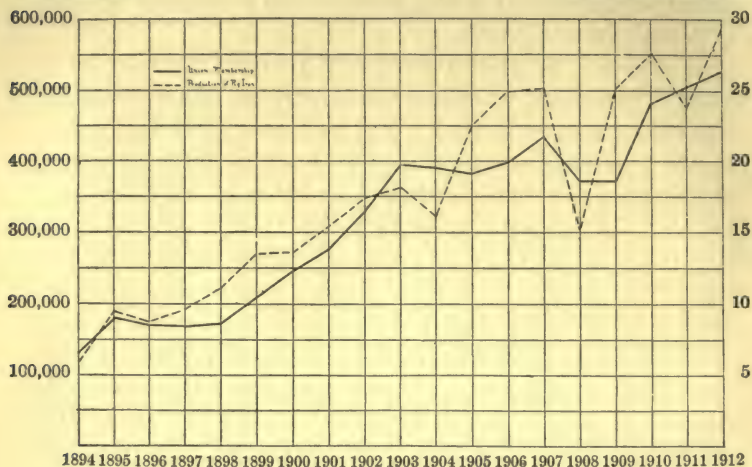
In Table V is shown the growth of trade unionism in New York, both in membership and in the number of unions, from 1894 to 1912. For each year there is also presented a description of the state of business during the year as given by Professor Mitchell in his book on "Business Cycles." Attention should be called to the fact, however, that the statistics of union membership are for years ending September 30, except for 1894, 1895, and 1896, when they are for years ending July 1, July 1, and October 31, respectively; while the state of business is reported for the calendar year. Where the change from a condition of prosperity to depression, or vice versa, is gradual, this discrepancy does not greatly matter; but where there is a rapid change from one year to another, this fact must be borne in mind if the statistics are to be properly interpreted. A graphical representation of the growth of union membership compared with the state of business is given in the following chart, in which the annual production of pig iron in the United States is taken as a measure of business activity.

From this graph and Table V it is evident that the great gains in organization have been during periods of prosperity and business activity, while a decline in membership or a halting of the rate of growth has accompanied periods of depression and business inactivity. In 1894, during a period of extreme depression, membership was low. During a brief revival in 1895 it rose somewhat, but fell again with the subsequent depression. Beginning with 1898, the country entered upon a period of great prosperity, which continued until 1903. During these years the growth of union membership was steady and rapid, there being an increase from approximately 170,000 at the former date to over 395,000 at the latter. The mild depression in 1904

### GROWTH OF UNION MEMBERSHIP IN NEW YORK STATE AND ANNUAL PRODUCTION OF PIG IRON IN U. S. 1894-1912

Scale for union membership

Scale for production of pig iron in millions of tons



brought a slight decline in membership, which continued in 1905 although a revival in business began this year. During the next two years, with the continuance of prosperity, membership again advanced. In the last three months of 1907 there occurred a crisis and severe panic. This, however, was too late to affect the statistics of trade-union membership, which are, it will be remembered, for the year ending September 30. But in the next year, during a deep depression in trade and industry, membership suffered a sharp decline, falling from over 436,000 in 1907 to something over 372,000 in 1908, a decline of 14.7 per cent. For the next year membership remained stationary; but the marked recuperation in business in the second half of the year brought with it the greatest gain in membership made during any year here considered, there being a growth from approximately 482,000 to 504,000, an increase of 29.3 per cent. The depression occurring in the second half of 1910 was evidently not sufficient to cause a decline in membership;

and with the recovery of business in 1912, membership advanced steadily, reaching in that year its highest point, 526,672.

It will be noticed that for each of the eighteen changes recorded, the curve for membership is synchronous with the curve for the production of pig iron, with the exception of the three years 1897, 1905, and 1911, when the curves move in opposite directions, and the year 1909, when the curve for membership shows no rise in spite of a remarkable gain in the production of pig iron. These failures in synchronism, however, do not indicate that union membership is not affected by the state of business, but are doubtless to be attributed to the fact that union membership is affected less rapidly than is the production of pig iron by changes in the degree of business activity. For example, in 1905 union membership did not respond immediately to the gain in prosperity, but showed a marked increase with the continued business activity of the two following years. In 1911 the depression was probably too short to affect seriously the growth in membership.

The above showing is nothing more than we should expect; for there are several important reasons why trade-union membership is decidedly influenced by the general state of business. In the first place, during a period of depression when there is much unemployment, it becomes difficult or impossible for many members to keep up their dues. Many lapses occur for this reason. Secondly, not only is it harder to hold old members, but it is more difficult to obtain new ones. When many people out of employment are waiting to take the workman's place, he is less inclined to run the risk of losing his job by antagonizing his employer through trade-union activities than at times when jobs are plentiful. Finally, the union occupies a weaker strategical position in times of depression than in times of prosperity. When business is active, employers are, generally speaking, reaping their harvest. Hence an interruption to their business is extremely undesirable, and often



they may prefer to yield to the demands of their workmen rather than undergo the losses incident to a shut-down. Moreover, even in case the employer is inclined to fight, he will find it more difficult to recruit his force with competent non-union workmen because there is a smaller labor supply of the unemployed available than in times of depression. But in times of depression not only is the employer, because of the large supply of unemployed workmen, better able to make a fight against the union, but he is also less disinclined to do so, since with business running low, a strike of his men may provide a convenient excuse for shutting down his plant.

However, this statement as to the comparative strategical positions of unions during prosperity and depression might not go unchallenged, and therefore needs more extended consideration. Dr. Ira Cross, studying the statistics of strikes in the United States from 1881 to 1905 and writing in 1908, came to the conclusion that "the percentage of successful strikes decreases during periods of business prosperity and increases during 'hard times.'"<sup>5</sup> One might be inclined to think from this statement that, as a matter of fact, unions are not only far from being in a position of strategical inferiority during periods of depression, but are actually more advantageously situated for strike purposes then than during periods of prosperity. Arguing *a priori*, however, this conclusion would seem to be unsound for the reasons above indicated. Furthermore, it is submitted that a closer study of the strike statistics for the years mentioned will not justify such an inference because such a study does not confirm the conclusion of Dr. Cross that the percentage of successful strikes decreases during periods of business prosperity and increases during hard times, and because, instead of considering the percentage of successful strikes, we ought to consider the absolute number.

The conclusions of Dr. Cross are drawn from graphs which he plotted showing the courses of successful and un-

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<sup>5</sup> I. Cross, "Strike Statistics," in *Publications of the American Statistical Association*, vol. xi, p. 194.

successful strikes from 1881 to 1905. Nothing, however, is shown on the graphs or included in the text to indicate the course of business activity during this period. Therefore it is probable that a somewhat rough approximation was made of it, and conclusions were drawn accordingly. Now, it was my desire to determine just what is the relationship between variations in business activity from year to year and variations in the percentage of successful strikes. In order to do this, the annual production of pig iron was taken as a good index of business activity, and a comparison of the variations therein with the variations in the percentage of successful strikes was made by Karl Pearson's method of correlation. The figures for the annual production of pig iron and the percentage of successful strikes were not compared directly, inasmuch as the trend in the former statistics would have given misleading results. This difficulty was overcome by employing a method used by Professor Fisher in his "Purchasing Power of Money," where he says, "The proper method of applying a coefficient of correlation to successive data appears to be to calculate the coefficient, not for the raw figures, but for their successive year-to-year ratios."<sup>6</sup> Therefore, instead of comparing the annual production of pig iron directly with the percentage of successful strikes each year, we tabulate and compare the ratios of each year's production of pig iron to the preceding year's production and of each year's successful strikes to the preceding year's successful strikes. These figures are given in Appendix II. The results of the calculation show a correlation of twenty-two per cent (or  $.22 \pm .13$ , where  $.13$  is the probable error). This is only a low coefficient of correlation, and consequently it cannot be said that the investigation proves that the percentage of successful strikes varies directly with the degree of business activity. Nevertheless, the fact that we do obtain a positive coefficient as high as the above is very strong evidence that the percentage of successful strikes does not vary inversely

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<sup>6</sup> I. Fisher, "The Purchasing Power of Money," pp. 294-295.

with the degree of business activity, and proves that the conclusion of Dr. Cross is not justified by the showing of the statistics.

If by the same method we compare the production of pig iron, not with the percentages of successful strikes, but with their absolute number, we obtain a correlation of thirty-nine per cent (or  $.39 \pm .12$ , where  $.12$  is the probable error). Here again it cannot be said that there is any decided correlation. Nevertheless, there appears to be a clear tendency for the number of successful strikes to rise and fall with the rise and fall of business activity. It seems that there is a tendency for the total number of strikes to vary directly with the degree of business activity; therefore, although only a slightly larger per cent of the strikes may be successful in times of prosperity than in times of depression, nevertheless, because of the larger total, the absolute number of successful strikes has a tendency to increase considerably in times of prosperity. Doubtless with the rising tide of prosperity many reckless strikes are indulged in by ill-prepared workers, and this is the reason why the percentage of successful ones is not higher. But with the greater success of strikes on the whole, trade unionism is better able to enforce its demands and carry out its policies; consequently its appeal to the workingman is all the stronger.

(2) An important obstacle to organization in the United States is the dispersion of a large portion of the population. The establishment of a local union at any place requires the presence of a certain number of workmen within reasonable physical proximity to that place so that they may without too great inconvenience or expense attend the meetings of the union and thus transact its business. No definite rule can be laid down as to just how large a number is necessary in all cases for the establishment of a local union. Obviously one workman would not be sufficient, and two or three would hardly feel the necessity for a union in order to bring about concerted action. For one reason or another, however, practically all national unions have made some



regulation in regard to the number of members necessary for the formation of local unions. With the Horseshoers, the Printing Pressmen, and several other unions the number is five; with the Western Federation of Miners it is twenty. Between these two extremes there are various requirements—seven, ten, eleven, fifteen. Consequently, in those towns where there are not the requisite number of workmen in any particular trade it is impossible to form a local union; and even in those places where the number of workmen is just above the limit it is difficult in many cases to keep a local union going. Professor Barnett, writing of the experience of the International Typographical Union, says: "Even in a prosperous year a considerable number of the small unions surrender their charters, and many members of the union contend that the expenditure of money in organizing and reorganizing unions in small cities is ill advised."<sup>7</sup> The wide dispersion of printers in the small towns of the country has made it difficult for the union to obtain complete control over the trade; and what is true of the printers is true of various other trades like the bakers, the bricklayers, the carpenters, the plumbers, the painters, and others.

The effect of the concentration of population upon the organization of a trade should be disclosed by a comparison of the extent of organization in some particular trade in the various States of this country with the degree to which workers at that trade are concentrated in cities in those States. For this purpose the bricklayers, the masons, and the plasterers provided a good subject of study in several ways. In the first place, the membership in 1910 of the unions having jurisdiction over these trades could be obtained for the individual States; likewise the total number of such workmen could be obtained for each State, and for cities of 25,000 or over in each State, from the Census of Occupations for 1910. It was thus possible to get good statistical data for comparison. In the second place, the

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<sup>7</sup> Barnett, *The Printers*, pp. 263-264.

unions in these trades have been in existence for a long time, and the trades are on the whole comparatively well organized, so that we may expect those places most advantageously situated to have had time to effect organization. Consequently, if the concentration of workmen in cities does influence in an important manner the growth of organization, this fact ought to be clearly disclosed by a comparison of the extent of organization in these trades with the degree to which the workmen are concentrated in cities.

The table of Appendix III shows for each State the percentage of bricklayers, masons, and plasterers who are organized, together with the percentage of those living in cities of 25,000 inhabitants or more. The relation between the two sets of figures was studied by means of Pearson's method of correlation. In this instance, however, the two sets of percentages were compared directly. As a result there was shown to be a correlation of fifty-six per cent (or  $.56 \pm .06$ , where  $.06$  is the probable error). This figure, fifty-six per cent, is a fairly high coefficient of correlation, and we may conclude, therefore, that the growth of organization is affected in a very marked manner by the extent to which workmen are concentrated.<sup>8</sup>

As the population of the country increases, this handicap to organization will decline in importance, since the tendency of population is toward concentration in the cities. While in 1890 the urban population<sup>9</sup> of the country was only 36.1 per cent of the total (63,000,000), in 1910 it had increased to 46.3 of the total (92,000,000). The increase was greatest in the number of those living in the very large cities. The percentage of those in cities of 2500 to 5000

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<sup>8</sup> Apparently after concentration has reached a certain point, further concentration of bricklayers, masons, and plasterers does not add to the facility with which they can be organized. Thus in cities of 25,000 to 100,000 inhabitants the percentage of organized workmen in these trades was 59; in cities of 100,000 inhabitants or over, except New York and Chicago, it was 54; and in New York and Chicago it was 56.

<sup>9</sup> Urban population includes those living in cities of 2500 inhabitants or more.

inhabitants increased only from 4.3 in 1890 to 4.5 in 1910, while the percentage of those in cities of 1,000,000 or more increased from 5.8 in 1890 to 9.2 in 1910. The percentages of those in the cities of intermediate size also showed a fairly large increase.<sup>10</sup>

*Public Opinion.*—No one would question that most of us are profoundly influenced in our actions by the desire to stand well in the estimation of our fellowmen. The knowledge that public approval will follow a certain line of action will usually constitute a powerful incentive in that direction. Consequently the progress of trade unionism, depending as it does upon the alacrity with which workmen will affiliate themselves with the movement and upon the intensity with which employers oppose or endorse it, must be in a large degree affected by the attitude of public opinion.

Francis A. Walker, speaking of the struggle of the workman to better his condition, writes as follows:

Now I ask, can it be doubtful that the respect and sympathy of the community must strengthen the wages class in this unceasing struggle; must give weight and force to all their reasonable demands; must make them more resolute and patient in resisting encroachment; must add to the confidence with which each individual laborer will rely on the good faith of those who are joined with him in his cause, and make it harder for any weak or doubtful comrade to succumb?

And, on the other hand, will not the consciousness that the whole community sympathize with the efforts of labor to advance its condition, by all fair means, inevitably weaken the resistance of the employing class to claims which can be conceded, diminish the confidence with which each employer looks to his fellows to hold out to the end, and make it easier for the less resolute to retire from the contest, and grant, amid general applause, what has been demanded?<sup>11</sup>

The power of public opinion in connection with industrial relations is well illustrated by the way in which it has been utilized as a means of bringing about the speedy termination of strikes. The Canadian Industrial Disputes Act of 1907 is based upon the theory that the quick settlement of a dis-

<sup>10</sup> Abstract of the Thirteenth Census of the United States, 1910, p. 59.

<sup>11</sup> F. A. Walker, *Political Economy*, American Science Series, Advanced Course, p. 270.



pute may be promoted by the pressure of public opinion. The act provides machinery whereby in the case of public utility concerns the contentions of both parties to labor disputes must be investigated and made public before a strike or lockout is allowed. In explaining the working of this act, its author, Mr. W. L. Mackenzie King, writes: "This restraining influence of public opinion we have found in Canada a very powerful aid to industrial peace; in the last analysis, it is a most powerful element in settling all conflicts between capital and labor."<sup>12</sup> The effectiveness of this influence is shown by the fact that in August, 1913, there had been since the passage of the act one hundred and forty-five applications for boards of investigation. Eighteen of these cases were settled after application for the board but before appointment. Investigation was made in one hundred and twenty-seven cases, and, of these, strikes resulted in only eighteen.<sup>13</sup>

In the course of time the influence of public opinion will doubtless make itself felt in any dispute. Its action is quickest, however, in those cases where the concern of the public is more immediate and its convenience is more directly interfered with, that is, in the so-called public utilities industries. Here a long tying-up of operations is intolerable; and, if the mere feeling of responsibility for the public welfare on the part of the contending parties is not sufficient to bring about a quick termination of the dispute, it is likely that there will be some form of governmental interference, such as the investigations provided for in the Canadian Industrial Disputes Act, the mediation and arbitration provided for in the Erdman Act and in the Newlands Act, or direct intervention, such as occurred in the anthracite coal strike in 1902. As Mr. King said, the influence of public opinion under such circumstances is generally sufficient to bring about a speedy settlement of the dispute.

It should be noted, however, that public opinion operates

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<sup>12</sup> W. L. M. King, "How Canada Prevents Strikes," in *The World's Work*, August, 1913, p. 441.

<sup>13</sup> *Ibid.*, p. 438.

upon the union as well as upon the employer in bringing about the settlement of a dispute. Therefore, if that opinion is not in accord with the demands of the union, it would act as a detriment to the success of the union and consequently would be a hindrance rather than a help to organization. If the union is fighting simply for recognition, that is, for the right of having its committee deal with the employer for purposes of collective bargaining, it is probable that it would have the sympathy of the public, and that a fulfillment of its demands could be obtained. An example of this is found in the case of the Commercial Telegraphers. Since its great strike in 1907 this organization has had no standing with the two large telegraph companies in this country. No dealings are conducted by the companies with the union, and it is claimed by the union that the companies discharge employees upon learning of their connection with it. In the latter part of 1910 and the early part of 1911 a similar situation developed in the Great Northwestern Telegraph System in Canada. Upon the request of the union that schedule negotiations be commenced, the company began warfare upon the union by dismissing members. Finally attempts at negotiation were broken off, and an application was made to the Dominion Government for a Board of Conciliation and Investigation. The company made protest, but the union was able to convince the Department of Labor that the board should be granted. Hearings were held, and the result was a substantial increase in wages and the establishment of a set of rules.<sup>14</sup> In this case, then, public opinion as represented in the decision of the board was able to obtain substantial recognition for the union. On the other hand, it is extremely doubtful whether public opinion at the present time would support a union in a demand for a closed shop. The decision of the anthracite coal strike commission in 1902 in favor of the open shop has become classic authority for all the opponents of the closed shop.

<sup>14</sup> Commercial Telegraphers' Journal, June, 1912, p. 225, Report of President Konenkamp to the sixth convention, 1912.

It is probable that a similar decision would be given today.<sup>15</sup> If the closed shop is considered essential to the welfare or existence of the union, and if the acceding to a demand for it is prevented by a hostile public opinion, organized labor is then under the necessity of convincing the public that the closed shop is indispensable to its own welfare and compatible with justice toward others.

It is impossible to measure with accuracy the progress of so subtle and intangible a thing as public opinion. There is reason to believe, however, that within the last generation there has been a decided development in it favorable to trade unionism. Speaking of conditions in 1884, Mr. Joseph R. Buchanan says: "Please to remember that at the time of which I am writing, labor had few friends outside of its own ranks. The press was either antagonistic or indifferent. With a few exceptions the pulpit took no interest in the labor movement except to lecture it and abuse it, and the exceptions soon lost their charges or found their churches unpopular with those able to pay the minister's salary."<sup>16</sup> Writing at about the same time, Mr. Richard J. Hinton declared that in the United States the whole trade-union movement had "hardly reached the stage of toleration."<sup>17</sup> Consider, in contrast to Mr. Buchanan's assertion, the statement of Mr. Gompers in 1912 that during the "Labor Forward Movement," held that year in Minneapolis and St. Paul, free school buildings, churches, and municipal halls were utilized for union meetings, and that on one Sunday evening twenty-two pulpits were occupied by representative labor men.<sup>18</sup>

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<sup>15</sup> The decisions of the boards under the Canadian Industrial Disputes Act have nearly always been favorable to a recognition of the union. The closed shop, however, has never been favored, but in all cases where the question has arisen the decision has provided for the open shop. For this information the writer is indebted to Dr. Noble Stockett of the Economic Seminary of Johns Hopkins University, who made a detailed study of arbitration awards.

<sup>16</sup> Buchanan, p. 133.

<sup>17</sup> R. J. Hinton, "American Labor Organizations," in *North American Review*, vol. cxl, p. 49.

<sup>18</sup> *American Federationist*, October, 1912, p. 828.



Dr. Hourwich has pointed out that the progress of public opinion in regard to trade unionism has reversed the grounds upon which immigration is opposed. "The change of public sentiment from 1894, when the 'ignorant foreign workmen' were accused of organizing labor unions, to 1910, when the ignorant foreigners were accused of keeping away from labor unions, is symptomatic of the progress of organized labor during the intervening period. In 1894, when the 'ignorant foreigners' composed mainly the races of 'the old immigration,' trade unionism was still weak; after eighteen years of 'undesirable immigration from Southern and Eastern Europe,' organized labor has gained in numbers and won public recognition."<sup>19</sup>

The growing favor with which public opinion is regarding trade unionism is noticed and feared by hostile employers. In 1913 the secretary of the National Founders' Association declared that some systematic campaign would have to be undertaken by employers to counteract the union propaganda. As evidences of trade-union influence he cited the minimum wage and eight hour legislation, the various proposed wage commissions, and the recent exemption of labor unions from the operation of the Sherman Anti-Trust Law. He thought that unions needed public assistance to secure these things and that the public seemed to be overwhelmingly in favor of the union propaganda.<sup>20</sup> On April 26, 1912, Mr. Emery, counsel of the National Association of Manufacturers, in view of the rapid increase of members of Congress holding union cards and the increasing political influence of labor,<sup>21</sup> wrote to Mr. Kirby, the president of the Association, "The time is at hand when the sixteenth amendment will provide for the possession of a union card by the President."<sup>22</sup>

<sup>19</sup> Hourwich, p. 333.

<sup>20</sup> Proceedings, 1913, pp. 23-27.

<sup>21</sup> In 1906 there were six representatives in Congress who held union cards. By 1914 the number had increased to seventeen representatives and one senator (P. G. Wright, p. 252, note).

<sup>22</sup> *Ibid.*, p. 252.

This increasing favorableness of public opinion is a consequence of the waning faith in the doctrine of individualism, and is a part of the growing sentiment in favor of social legislation, a sentiment which makes possible a powerful plea to the electorate on a program of "social justice." It is also true that the very growth of trade unionism is in part responsible for the approving attitude of public opinion. Every advance in organization has broadened the foundation for further advances. It is possible to conceive of a state of affairs in which membership in a union would be looked upon as a normal status for every workman and where public opinion would even insist upon the formation of associations of the workers for facility in the regulation of trade conditions. Professor Ashley accounts for the growth of guilds during the Middle Ages partly by reason of the strong public opinion in favor of protecting purchasers against fraudulent or defective workmanship and the insistence of the municipal authorities that there should be an adequate supervision of every craft in order to detect and punish false work. "Accordingly we find group after group of workmen admonished by the municipal authorities to choose from among themselves persons who should be responsible for the work and behavior of their fellows."<sup>23</sup> In the course of the history of trade unionism public opinion has come to approve not only the right of the workmen to combine but also the recognition of the union as an agency for collective bargaining. From the standpoint of promoting the growth and stability of organization an enormous advance would be made if public opinion should take the next step and place the seal of its approval upon the device of the closed shop. Doubtless such a condition will not be reached until some provision has been made for governmental regulation and supervision of labor unions in order to prevent policies of monopolistic exclusiveness or an unconscionable interference with the public welfare and convenience.

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<sup>23</sup> W. J. Ashley, *The Economic Organization of England*, pp. 31-32.

## CONCLUSION

From the foregoing analysis it is evident that the organizability of labor is affected by a great complexity of factors. In the case of any particular trade or class of workers, one of these factors or a combination of them will practically always be sufficient to account for whatever strength or weakness in organization may exist. We are desirous, however, of reaching some conclusion as to the possibilities of organization in the future. For this purpose we should consider to what extent the factors which we have discussed are likely to be operative. Are those favorable to organization likely to increase in importance, and those unfavorable to diminish, or vice versa?

Difficulties in organization on account of the management of the union will without doubt tend to grow less. Time and experience may confidently be expected to bring to the top the most capable leaders, to evolve that type of organization which is best fitted to survive, and to lessen those defects in the conduct of the union which have hindered organization, while correspondingly strengthening those which have fostered it.

Considering next those difficulties associated with the form of business organization, it may be noted that, under modern conditions of large-scale production, the small shop is likely to decrease in importance. The future of the trust is uncertain. If the policy of dissolution is continued, the difficulties in organizing labor will be lessened. On the other hand, if it becomes clearly evident that the trust is the most efficient form of business organization, the possibilities of hindering trade-union growth will be increased; but, as has been pointed out, these possibilities may never be fully realized because of the controlling influence of public opinion. As for employers' associations, it was seen



that, so far as these are of the homogeneous variety—that is, confined to employers in one industry or trade—they tend to promote organization, inasmuch as they usually lead to a trade agreement; while, so far as they are of the heterogeneous variety—such as citizens' alliances, composed of employers in many trades and industries—they are likely to provide a valuable corrective for trade-union excesses.

Other difficulties in organization which we considered were those associated with the technical nature of the trade and arising from changes in industrial processes. We have no reason to think that there is going to be any diminution in industrial progress, but it is altogether probable that the detrimental effect of these changes upon organization will become less. The consummation of trade agreements with employers and the continued practice of collective bargaining will doubtless diminish the discord between employers and employees arising from such changes. Likewise, federation and amalgamation among related unions, together with the growth of greater skill in management, should tend to lessen the acrimony and disruptiveness of jurisdictional conflicts between rival unions.

It has been shown that periods of industrial depression exert a destructive influence upon the organization of labor. Under modern methods of production such times of depression will continue to occur in the future. But, with the completion of reforms in our financial system, there is reason to believe that the intensity and duration of depressions will be diminished and the organization of labor correspondingly advanced. Similarly, the dispersion of a certain proportion of workmen through rural districts and in small towns will continue to make their organization extremely difficult, if not quite impossible. Nevertheless, with the increasing concentration of population in cities, this impediment should become one of constantly lessening importance.

Public opinion, we have seen, is a very potent influence in organization, and in recent years its tendency has been

favorable to labor unions. There seems to be no fundamental reason for expecting a reversal of this tendency at an early date, although salutary temporary reactions may result from the excesses of domineering unionism.

Some of the serious difficulties in organizing arise out of the personal characteristics of certain classes of workers, namely, unskilled, female, immigrant, and negro workers. We shall summarize the prospects of organizing these classes of workers considered in the inverse order from that given above. It would be utopian to look for the solution of the problem of organizing the negro worker in the South through the elimination of racial prejudice. Yet the experience of some unions leads us to believe that racial prejudice is more and more likely to yield to economic necessity, when the disorganizing effects of the former are clearly felt. It was seen that whether recent immigrants are more or less difficult to organize than are native unskilled workers is a controverted question, to which no clear-cut answer can be given. But, whatever the difficulties which may be associated with the recent immigration, they are likely to diminish in importance when the long continued agitation for the restriction of immigration shows results, as seems probable at an early date; or it may be that the immigration problem will solve itself without the aid of legislation through the depletion of Europe's population by the great war. In the case of female and unskilled workers—the latter class including most of the workers in the other three classes mentioned above—the conclusion was reached that the main problem was that of holding such workers in the union, and that the only expedient which gave much promise of solving this problem was the closed shop, either in the

In view, however, of the employers' opposition to this device and the well-known strategic inferiority of these workers in industrial conflicts, what prospects are there for the attainment of closed-shop conditions among them? In the first place, it is obvious that the working out of this

result will be facilitated by the increasingly favorable influence of the other factors which have just been considered. Especially important should be the attitude which public opinion assumes toward the closed shop, as well as toward the boycott and the union label. Of more direct significance than these factors, however, is the growing spirit of co-operation among labor unions, the formation of federations, amalgamations, and industrial unions, the decided tendency toward which has been pointed out by various recent writers.<sup>1</sup> Wherever the unskilled workers are included in such alliances with the skilled, the former reap the benefit of whatever superior strategic strength may be possessed by the latter; and, if the alliance takes the form of an industrial union, such as the United Mine Workers, the unskilled obtain the use of the higher managerial ability of the skilled.

It is true that the lowest type of unskilled laborers have not been included in many of these cooperative arrangements, but several influences are at work to cause more and more attention to be paid to them. In the first place, the self-interest of the more skilled workers may dictate this policy because of the increasing subdivision of labor within industries. To quote one of the writers just cited, "As division of labor becomes more minute, as the old method of apprenticeship fails, and as the groups of skilled and semi-skilled are being recruited in an increasing number of instances by the promotion of the common laborers required for the many odd jobs existing in every industrial establishment, the other trades are manifesting a growing tendency to admit such potentially dangerous competitors to their unions."<sup>2</sup>

Moreover, the unskilled workers have a clear right to insist upon an alliance with the skilled wherever dependence is placed by the latter upon the union label as a method of

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<sup>1</sup> Whitney, pp. 169-173; T. W. Glocker, "Amalgamation of Related Trades in Unions," in *American Economic Review*, vol. v, pp. 554-575; F. T. Carlton, "The Changing American Federation of Labor," in *The Survey*, November 21, 1914, pp. 192-193.

<sup>2</sup> Glocker, *Amalgamation of Related Trades in Unions*, pp. 574-575.



effecting organization; for the former may with justice maintain that no product on which only the skilled work is performed by union labor can properly be stamped "union made." Likewise, the unskilled workers have sound grounds for demanding alliance with the skilled in any boycotting campaign for effecting organization. Where the skilled workers in an industry have succeeded in strengthening their organization through the use of the boycott, those workers would be untrue to the oft avowed principle of the brotherhood of labor if they denied the use of the same weapon to the unskilled workers, similarly seeking to forward organization. Where the several groups of workers in an industry are not allied in their organization, we might have the anomalous situation of an employer considered fair to organized labor by one group, which is asking its fellow unionists to patronize that employer; and, on the other hand, considered unfair by another group, which is demanding that organized labor boycott the same employer. Such situations have arisen. Therefore, considering the boycott and the union label purely from the point of view of trade unionism, it is apparent that, if justice and efficiency are to be completely realized in their use, some form of cooperation between skilled and unskilled workmen must be provided.

Finally the closer alliance between skilled and unskilled labor is likely to be promoted by the growth of socialism and the propaganda of the Industrial Workers of the World. The sympathies of the socialists seem to be clearly in favor of the industrial form of organization; and, if the socialists continue to grow in the future as they have in the past, this factor should be of increasing importance. The Industrial Workers of the World direct their principal indictment against the old-line labor unions upon the ground that the latter have signally failed to organize the unskilled workers, the very ones whose condition most needs amelioration. Undoubtedly the propaganda of this organization, to which the older unions are thoroughly opposed, has stirred up the latter to greater activity in behalf of the unskilled work-

ers. Such an influence was apparent, for example, in the decided impetus to the organizing efforts of the American Federation of Labor among the textile workers, after the great strike at Lawrence in 1912 under the auspices of the Industrial Workers of the World.

This summing up of the factors affecting organization leads to the conclusion that, on the whole, those influences favorable to organization are likely to increase in importance in the future, and the unfavorable influences seem likely to decline. This does not necessarily mean that there will be a constantly augmenting accession to the ranks of trade unionism each year, since organizing efforts may be said to obey a law of diminishing returns. The first in the ranks of the unions are those whom surrounding conditions make most susceptible to organization. After a time, however, it becomes necessary to bring in those who are less favorably circumstanced in that respect. For example, after the skilled workers, and those in the large cities, and those employed by the more friendly or weaker employers, have been organized, the far more difficult task remains of organizing the unskilled laborers, and those in small towns, and those employed by the more hostile and powerful employers. At any given time the latter classes would naturally be the more difficult to organize. It is possible that, in the future, changed conditions may cause an even more rapid organization of these less favorably situated workers than that of the more favorably situated in the past. The better management of the existing unions, their greater financial strength, their stronger cooperation, their more effective use of the sympathetic strike, the boycott, the union label, and the closed shop, and the progress of public opinion toward collectivism, may all help to bring about such a result. But, even if the action of the above forces does not extend so far, it is clear that the possibility of organizing those less favorably situated classes is greater today than it was yesterday, and is likely to be greater tomorrow than it is today.

How far trade unionism will go in providing an ultimate

solution of some of our economic problems is an open question, concerning which there is a wide divergence of opinion, and the answer to which is beyond the purposes of this study. Many, however, place much hope in the collective action of labor as one method of mitigating the evils of unrestrained individualism, or as an important factor in bringing about better social conditions and a healthier economic life. For the accomplishment of these ends, as was pointed out in the beginning of this study, the limits of trade-union activity must depend primarily upon the organizability of labor. It can now be seen that these limits are far from having been reached as yet, so that the full possibilities of trade unionism as part of the regulative scheme of modern industrial life still remain to be tested.



# APPENDICES

## APPENDIX I

### COMPARISON OF PROPORTION OF FOREIGN-BORN WHITE COAL OPERATIVES WITH EXTENT OF ORGANIZATION BY DISTRICTS

States	1	2	3	4	5	6
	Average membership in union for year 1909 <sup>1</sup>	Corrected membership; 3.8% deducted for workmen not peculiar to industry <sup>2</sup>	Total coal operatives, 1910 <sup>3</sup>	Foreign born white operatives, 1910 <sup>4</sup>	Per cent foreign born white operatives	Per cent organized
Alabama.....	597	584	20,778	1,381	6.6	2.8
Arkansas.....	12,111	11,651	14,768	6,832	46.2	79.0
Oklahoma.....						
Texas.....						
Colorado.....						
New Mexico.....	1,710	1,645	14,766	9,941	67.3	11.1
Illinois.....	60,554	58,253	58,738	28,424	48.4	99.2
Indiana.....	15,986	15,379	19,184	4,183	21.8	80.2
Iowa.....	14,690	14,132	13,990	5,460	39.0	100.0
Kansas.....	8,508	8,185	18,350	7,264	39.6	44.6
Missouri.....						
Tennessee.....						
Kentucky.....						
Maryland.....	48	46	5,490	936	17.0	0.8
Michigan.....	2,964	2,851	2,823	1,447	51.3	100.0
Montana.....	9,061	8,717	10,266	7,950	77.4	84.9
Wyoming.....						
Ohio.....	33,572	32,296	40,387	14,141	35.0	79.9
(Bituminous)	57,960	80,738	291,746	195,798	67.1	27.6
Pennsylvania....						
(Anthracite)						
Pennsylvania....	25,967					
Utah.....	....	....	2,318	1,784	77.0	0.0
Virginia.....	....	....	7,291	1,310	17.9	0.0
Washington.....	3,009	2,895	6,359	5,133	80.7	45.5
West Virginia.....	1,696	1,632	54,884	16,485	30.0	29.7

<sup>1</sup> Proceedings, United Mine Workers, 1910, p. 117, Report of Secretary.

<sup>2</sup> A deduction of 3.8 per cent was made from the reported membership of the union in each district in order that the membership statistics might embrace approximately the same classes as the statistics for total coal operatives. The latter include only employees peculiar to the industry, such as miners, blasters, etc.; whereas the reported membership statistics embrace other workers around the mines not peculiar to the industry, such as carpenters and engineers. According to the statistics for the entire country, this latter group constituted 3.8 per cent of the total of the two groups (Thirteenth Census, 1910, vol. iv, Occupation Statistics, p. 304).

<sup>3</sup> Occupation Statistics, 1910, pp. 434-534.

<sup>4</sup> Ibid.

## APPENDIX II

COMPARISON OF SUCCESS OF STRIKES WITH ANNUAL PRODUCTION OF  
PIG IRON, 1881-1905

Year	Production of pig iron		Establishments in which strike succeeded		Percentage of establishments in which strike succeeded	
	Total production in tens of thousands of long tons <sup>1</sup>	Successive year to year ratios	Total number <sup>2</sup>	Successive year to year ratios	Per cent <sup>3</sup>	Successive year to year ratios
1881	414	....	1798	....	61.37	....
1882	462	111.6	1128	62.8	53.59	87.3
1883	460	99.6	1605	142.3	58.17	108.6
1884	410	89.1	1219	75.9	51.50	88.5
1885	405	98.8	1206	98.9	52.80	102.5
1886	568	140.2	3468	287.5	34.51	65.3
1887	642	113.0	3005	86.7	45.64	132.2
1888	649	101.1	1830	60.9	52.22	114.5
1889	760	117.1	1760	96.2	46.49	89.1
1890	920	121.0	4966	282.2	52.65	113.3
1891	828	90.0	3075	61.9	37.88	71.9
1892	916	110.6	2177	70.8	39.31	103.7
1893	713	77.8	2318	106.5	50.86	129.5
1894	666	93.4	3122	134.6	38.09	74.8
1895	945	141.9	3850	123.3	55.24	144.9
1896	862	91.2	3233	84.0	59.19	107.2
1897	965	111.9	4866	150.5	57.31	96.8
1898	1177	122.0	2446	50.3	64.21	112.0
1899	1362	115.7	8284	338.7	73.24	114.0
1900	1379	101.2	4291	51.8	46.43	63.4
1901	1588	115.2	5323	124.0	48.77	105.2
1902	1782	112.2	6739	126.6	47.31	96.9
1903	1801	101.0	8281	122.9	40.87	86.5
1904	1650	91.6	3601	43.5	35.28	86.3
1905	2299	139.3	3333	92.6	40.17	113.8

<sup>1</sup> Statistical Abstract of the United States, 1912, p. 774.<sup>2</sup> Twenty-first Annual Report of the Commissioner of Labor, 1906, p. 80. The above figures were calculated from the figures given in the Report.<sup>3</sup> Ibid. These figures are the ones given in the Report.

## APPENDIX III

COMPARISON OF EXTENT OF ORGANIZATION OF BRICKLAYERS, MASONS,  
AND PLASTERERS WITH CONCENTRATION OF THESE WORKMEN  
IN CITIES OF 25,000 OR MORE BY STATES IN 1910

States	Bricklayers, masons and plasterers				
	Total in State <sup>1</sup>	In cities of 25,000 or more		Union membership in State	
		Number <sup>2</sup>	Per cent	Number <sup>3</sup>	Per cent
Alabama.....	2,123	991	46.7	483	22.7
Arizona.....	455	....	0.0	78	17.1
Arkansas.....	1,089	202	18.5	330	30.3
California.....	5,575	3,576	64.1	2,543	45.6
Colorado.....	2,144	1,215	56.7	922	43.0
Connecticut.....	3,423	1,894	55.3	1,685	49.2
Delaware.....	458	288	62.9	133	29.0
District of Columbia	1,571	1,571	100.0	988	62.9
Florida.....	1,111	387	34.8	421	37.9
Georgia.....	3,349	1,308	39.1	566	16.9
Idaho.....	710	....	0.0	143	20.1
Illinois.....	15,830	10,389	65.6	9,207	58.2
Indiana.....	5,854	1,437	24.6	2,174	37.1
Iowa.....	5,106	1,321	25.9	832	16.3
Kansas.....	4,631	965	20.8	803	17.3
Kentucky.....	2,898	1,171	40.4	655	22.6
Louisiana.....	1,939	1,294	66.7	358	18.5
Maine.....	1,696	259	15.3	684	40.3
Maryland.....	3,110	1,505	48.4	1,075	34.6
Massachusetts.....	9,191	6,349	69.1	5,201	56.6
Michigan.....	6,880	3,057	44.4	1,977	28.7
Minnesota.....	5,605	2,819	50.3	1,606	28.6
Mississippi.....	917	....	0.0	113	12.3
Missouri.....	7,719	4,744	61.5	2,935	38.0
Montana.....	785	89	11.3	397	50.6
Nebraska.....	2,787	864	31.0	520	18.6
Nevada.....	111	....	0.0	71	63.9
New Hampshire....	1,005	252	25.1	195	19.4
New Jersey.....	10,329	5,545	53.7	5,113	49.5
New Mexico.....	414	....	0.0	41	9.9
New York.....	35,710	27,918	78.2	16,289	45.6
North Carolina....	2,328	235	10.1	70	3.0
North Dakota.....	862	....	0.0	86	9.9
Ohio.....	13,253	6,710	50.6	4,712	35.5
Oklahoma.....	2,995	840	28.0	1,050	35.0
Oregon.....	1,611	947	58.8	519	32.2
Pennsylvania.....	23,305	11,280	48.4	7,706	33.0
Rhode Island.....	1,641	1,131	68.9	763	46.5
South Carolina....	1,727	313	18.1	164	9.5
South Dakota.....	1,090	....	0.0	80	7.3
Tennessee.....	2,967	1,314	44.3	581	19.6
Texas.....	3,396	1,392	40.9	1,605	47.2
Utah.....	1,231	602	48.9	416	33.8



## APPENDIX III (CON.)

States	Bricklayers, masons and plasterers				
	Total in State <sup>1</sup>	In cities of 25,000 or more		Union membership in State	
		Number <sup>2</sup>	Per cent	Number <sup>3</sup>	Per cent
Vermont.....	643	....	0.0	172	26.7
Virginia.....	3,614	1,094	30.3	472	13.1
Washington.....	3,134	1,969	62.8	1,005	32.1
West Virginia.....	2,067	252	12.2	518	25.1
Wisconsin.....	6,314	1,849	29.3	1,554	24.6
Wyoming.....	360	....	0.0	74	20.6

<sup>1</sup> Thirteenth Census, 1910, Statistics of Occupations.

<sup>2</sup> Ibid. The total bricklayers, masons, and plasterers in cities of 25,000 or more were calculated from the figures given for each city.

<sup>3</sup> Practically all the organized bricklayers, masons, and plasterers of the country are included in the Bricklayers, Masons and Plasterers' International Union and in the Operative Plasterers' International Association. The statistics for membership in the former were taken from the Forty-fifth Annual Report of the President and Secretary for the term ending December 1, 1910, pp. 272-293; and for the latter union the statistics for membership were taken from *The Plasterer*, July, 1910, pp. 17-18. The totals for each State were calculated from the reported membership of each local union.



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PARTY ORGANIZATION AND MACHINERY  
IN MICHIGAN SINCE 1890





SERIES XXXV

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JOHNS HOPKINS UNIVERSITY STUDIES 439  
IN  
HISTORICAL AND POLITICAL SCIENCE

Under the Direction of the

Departments of History, Political Economy, and  
Political Science

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PARTY ORGANIZATION AND MACHINERY  
IN MICHIGAN SINCE 1890

BY

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## PREFACE

A study of party organization which aims to be of any value must necessarily follow in a limited field and perhaps with more intensive methods the instructive lines laid down by Professor Macy in his *Party Organization and Machinery*. In the present investigation, however, I have attempted to cover a period of time long enough to bring to light whatever tendencies may be at work and to show somewhat definitely the effects of legislation.

My study is an attempt to contribute to the satisfying of what is believed to be a real need in applied political science. It is confined to one State, and States differ in their internal conditions and in their legislative experimentation; but I believe there is nothing so peculiar in the conditions and legislation of Michigan that its experience may not be accepted as fairly typical of the experience of many other States.

I regret that, on account of my inability to secure adequate data on events in Michigan since September 1, 1916, my study must lack the timeliness and the completeness which might have been afforded by an examination of the primary vote and expenditure of 1916, the campaign of 1916, and the legislation of 1917.

Parts of this study have appeared in somewhat different form in the following articles: "Bi-Partisanship and Vote Manipulation in Detroit," in the *National Municipal Review*, Vol. V, No. 4, October, 1916; "The Operation of the Direct Primary in Michigan," in the *American Political Science Review*, Vol. X, No. 4, November, 1916; and "Direct Primary Legislation in Michigan," in the *Michigan Law Review*, Vol. XV, No. 1, November, 1916.

Numerous political leaders of Michigan have contributed by correspondence or in interviews valuable information which would have been procurable from no other sources,

and to these men grateful acknowledgment is made. I am especially indebted to Homer Warren, D. J. Campau, Charles Moore, and Pliny W. Marsh, of Detroit, H. E. Thomas, E. C. Shields, and D. E. Alward, of Lansing, F. O. Eldred of Ionia, G. L. Shipman of Kalamazoo, and S. W. Beakes of Ann Arbor.

For inspiration and helpful criticism I am especially indebted to Professor W. W. Willoughby, at whose suggestion the study was undertaken and under whose direction it has been completed.

A. C. M.



# PARTY ORGANIZATION AND MACHINERY IN MICHIGAN

## CHAPTER I

### INTRODUCTION

As a preliminary to a study of party organization in Michigan it seems desirable to review briefly the social, economic, religious, and political conditions in the State; for these conditions make the background and affect the form and the workings of party organizations.

The population of Michigan in 1890 was 2,093,890, and in 1910, 2,810,173.<sup>1</sup> In 1890 the population per square mile was 36.4; it had increased in 1910 to 48.9. The distribution of the population has never been uniform. In 1904, for example, the population of the southern counties was 84.79 per square mile; of the central counties, 51.43; of the northern counties, 22.16; and of the upper peninsula, only 16.53. There are no large cities in the northern half of the State. The urban population of Michigan has increased from 34.9 per cent of the total in 1890 to 47.2 per cent in 1910. Detroit, the chief city of the State, had in 1890 205,876 people. Twenty years later its population had more than doubled, containing over one sixth of the voting population of the State. Grand Rapids, the second city, had in 1910 a population of 112,571. No other city in the State is half so large as Grand Rapids.

Of the citizens born outside of Michigan, New York has furnished more than any other State. In 1850 two thirds of such citizens had come from the Empire State; in 1890

<sup>1</sup> Statistics of population are taken from the decennial United States Census Reports, and from the Michigan Census Reports. The latter are prepared in the fourth year of each decade.

almost one half; and as late as 1900 over one third.<sup>2</sup> Eleven of the twenty-three governors of Michigan were born in New York.<sup>3</sup>

*Foreign-Born.*—The foreign-born population in 1890 was 25.97 per cent of the total, about the same percentage as in Rhode Island, Massachusetts, or New York. In 1910 the percentage was 21.2. In general, with the exception of Wayne County, in which the city of Detroit is located, the foreign-born have been most numerous in the northern counties. In 1894, for example, approximately three fourths of the voters in the upper peninsula were foreign-born; in the mining town of Ironwood the foreign-born males of voting age outnumbered the native-born five to one, in Iron Mountain six to one, and in Ishpeming ten to one. In the upper peninsula in 1910 the percentage of foreign-born in some counties was as high as fifty and in none was lower than twenty-five; on the other hand in the counties of Hillsdale and Eaton in the lower peninsula the percentage was less than five. In Wayne County, which constitutes an exception in the lower peninsula, the foreign-born<sup>4</sup> amounted in 1890 to fifty-five per cent of the potential voting population and in 1910 to forty-eight per cent.

Since 1890 the Canadians have always formed the largest racial group among the foreign-born.<sup>5</sup> They have been most numerous in the eastern counties of the lower peninsula and in the upper peninsula. Numerically the Germans rank second,<sup>6</sup> and the English third. The Irish, holding first place in 1870, had become in 1910 a relatively unimportant group. The Dutch are numerous in the western counties; the Swedes, next in importance, are found largely in the upper peninsula and in the counties of Muskegon and Kent in the lower. The Slavs are steadily increasing in number, going to Detroit and Grand Rapids, to the lum-

<sup>2</sup> See also D. F. Wilcox, "Municipal Government in Michigan and Ohio," in *Columbia University Studies*, vol. v, no. 3, p. 21.

<sup>3</sup> *Detroit Free Press*, July 1, 1894; *Who's Who in America*.

<sup>4</sup> Excluding aliens.

<sup>5</sup> In 1910 the Canadians constituted 28.7 per cent of the total foreign-born population.

<sup>6</sup> In 1910 the Germans amounted to 22.1 per cent of the total.

bering counties of the lower peninsula, and to the lumbering and mining counties of the upper peninsula.<sup>7</sup> In the copper counties of Keweenaw and Houghton they outnumber any other racial group. It is somewhat encouraging to note that almost three fourths of the foreign-born in Michigan in 1910 were from Canada, the United Kingdom, Germany, Holland, and Sweden. The negro has never been an important social or political factor in Michigan. He has constituted, since 1890, less than one per cent of the total population.

Illiteracy is one of the most marked characteristics of the foreign-born, and politically appears to be one of the most serious. In Detroit in 1910 the percentage of illiteracy among the foreign-born males of voting age was 12.4; among the native, 0.4 per cent. In the county of Gogebic in the upper peninsula with its large foreign element the rate of illiteracy among the males of voting age in 1894 was eighteen per cent. In 1910 the rate of illiteracy in the upper peninsula had fallen, but it was still much higher than the general rate for the State.<sup>8</sup>

It will be observed, therefore, that the southern part of Michigan differs radically from the northern part, and especially from the upper peninsula, with respect to density of population, the foreign-born element in the population, and illiteracy. The two parts of the State show an industrial dissimilarity equally marked. The upper peninsula is devoted to the exploitation of its rich copper, iron, and lumber resources, and its industry is dominated by great corporations. On the other hand the economic characteristics of the southern half of the lower peninsula are much like those of northern Ohio and Indiana. Socially and economically strangers to each other, the two sections of the State are absolutely separated geographically.

*Party Composition.*—Passing from the characteristics of the State to the complexion of its political parties, we observe that in their economic make-up the major parties

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<sup>7</sup> The Slavic groups were numerically third in 1910.

<sup>8</sup> The rate for the State was 5.9 in 1890 and 3.3 in 1910.



have changed considerably since 1890. Early in the industrial history of the State the lumbermen were found in the Democratic party; latterly, the election returns indicate that they are voting for Republican candidates.<sup>9</sup> In 1890 a Republican majority among the farmers was partially balanced by a Democratic majority among the workingmen of the cities; but since then the farmers have become less hidebound Republicans, and the Democrats have lost their hold on the labor vote. Since the Civil War a large proportion of the men of wealth in the State have been in the Republican party; and in 1896 most of the wealthy men still active in the Democratic organization changed their party allegiance.<sup>10</sup>

The racial composition of the two parties has also altered. In 1890 most of the Irish were Democratic; now, not so many.<sup>11</sup> A similar change of allegiance has occurred among the Germans.<sup>12</sup> The Dutch have generally enlisted in Republican ranks, and they are still found almost to a man in that party.<sup>13</sup> The same seems to be true of the Scandinavians.<sup>14</sup> A majority of the later immigrants appear to become Republicans; in the northern part of the State this is possibly due to the fact that these foreigners have fallen under the political tutelage of the great mining and lumbering corporations, which have usually supported the Republican candidates.<sup>15</sup> This tendency of the later immigrants to join the Republican party accounts in part for the increase of Republican strength among the Roman Catholics, who early in the period were generally Democratic.

Religion, objectively considered, has been, at least since 1895, a negligible factor in Michigan politics. The American Protective Association, organized to oppose the nomi-

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<sup>9</sup> H. M. Dilla, "The Politics of Michigan, 1865-1878," in *Columbia University Studies*, vol. xlvii, no. 1, p. 237.

<sup>10</sup> *Detroit Free Press*, March 5, July 30, August 1, September 20, 1896; *Detroit Tribune*, August 16, 1896, August 11, 1898.

<sup>11</sup> *Detroit Tribune*, July 26, 1886, and interviews.

<sup>12</sup> Dilla, 232; *Detroit Tribune*, April 4, 1895; and interviews.

<sup>13</sup> Interviews.

<sup>14</sup> *Detroit Free Press*, October 29, 1886.

<sup>15</sup> Interviews.

nation and election of Roman Catholics to public office, was reported in 1895 to have a membership in the State of 125,000. It endorsed particular candidates in local and state elections, and used its influence in party primaries and conventions to secure the nomination of Protestants. It appears to have had some success in Republican gatherings; but Democratic platforms, naturally, repeatedly denounced it.

The third-party movements in the nineties, phases of the economic unrest which had found expression in the Greenback and Union Labor parties, affected both party organizations and especially the Democratic. Between 1890 and 1892 independent political action was either undertaken or discussed by a National Greenback Labor Party of Michigan,<sup>16</sup> the Patrons of Industry,<sup>17</sup> the State Farmers' Alliance and Industrial Union, and the Industrial party.<sup>18</sup> Out of these various unstable elements crystallized the People's party, which held its first state convention in Michigan in 1892.<sup>19</sup> In 1894 it polled over thirty thousand votes. In 1896 the Silver Republicans effected a state organization and entered into an alliance with the Democrats and the Populists, the three organizations adopting a joint name, Democratic-People's-Union Silver Party, which was retained until 1901. In the meantime the Gold Democrats were in actual though not nominal alliance with the Republicans. In the secret history of these ephemeral organizations the leaders of the major parties played an important although not easily ascertainable part. The Republicans gave financial assistance for several years to the Middle-of-the-Road Populists; and Republican and Democratic wire-pullers were active in third-party conferences and conventions.

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<sup>16</sup> Detroit Free Press, July 26, 1890.

<sup>17</sup> According to the secretary's figures, their membership in Michigan in 1891 was 70,059 (Detroit Tribune, March 9, 1891). See also *ibid.*, July 16, 1890, February 26, 28, March 21, 1891; Detroit Free Press, February 27, July 22, 30, 1890.

<sup>18</sup> Detroit Free Press, August 1, 1890, February 20, 1891; Detroit Tribune, July 18, August 1, 24, 1890, February 20, 1891.

<sup>19</sup> Detroit Free Press, June 17, 1892.

The sale and use of intoxicating liquors has exerted a most important influence on the functioning of party organizations, because it constitutes at once an economic interest with a peculiar liability to be affected by legislation and administration; a social influence, with power to reach directly and sway to its purposes an extraordinary number of voters; and, finally, a potential political influence, with the possibility, by its moral appeal, of causing radical realignments in the rank and file of parties. Saloon men have been pretty generally Democrats, with a recognized tendency, however, to shift their votes and influence according to their own interests.<sup>20</sup> In the late eighties, therefore, when the Prohibition party was growing in voting strength and seemed to be drawing followers from the Republican party, this third-party movement was looked upon with favor by the Democrats and was feared by their opponents.<sup>21</sup> Since 1890, when the Prohibitionists attained their greatest relative strength with a vote amounting to 7.2 per cent of the total vote, they have been a negligible factor in elections. But the liquor problem remained, and the saloon influence preserved its contact with the party organizations.

*Party Strength.*—Since 1890 an increasing majority of the partisan newspapers of the State have supported the Republican party. Of 679 periodicals of all descriptions which were published in 1890, 209 were independent, 201 were Republican, and 117 were Democratic. In 1914 the independent newspapers had increased to 288, the Republican to 235, and the Democratic had dwindled to 29. In 1890 there were 23 independent dailies, 19 Republican, and 14 Democratic. Twenty-four years later the independent dailies had increased to 45, and the Republican to 22, but the Democratic had fallen to 5. In 1890 fourteen counties had no Democratic local newspapers. Nine of these counties had Republican papers only, and there were Republican papers in every county that had periodicals of any kind. In 1914 the Republicans had press represen-

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<sup>20</sup> Interviews. In the election of November, 1916, Michigan adopted state-wide prohibition.

<sup>21</sup> Dilla, pp. 91, 169; Detroit Tribune, July 4, 17, August 27, 1886.



tatives in all but one of the counties; but the Democrats lacked an editorial spokesman in fifty-three of the eighty-three counties.<sup>22</sup>

The history and the traditions of the Republican party of Michigan have been positive elements of strength. The State boasts of having held the first Republican convention. During and after the Civil War the party had in Zachariah Chandler a strong-minded and strong-willed leader of national influence. The Republicans had been perfectly organized when the Democrats were demoralized and without a leader.<sup>23</sup> Long after the war the best people of the State were usually Republican.<sup>24</sup> It was not until after the election in 1890 of the Democrat Winans, who had been denounced as a Copperhead, that the old vote-getting shibboleths of the war era were generally abandoned.<sup>25</sup>

Election returns show that Michigan is normally Republican. Between 1854 and 1912 the Republican candidate for governor was defeated but twice: by a Fusionist in 1882 and by a Democrat in 1890. Under abnormal conditions in 1912 a Democratic governor was elected; and under equally abnormal conditions he was reelected in 1914. A Democratic candidate for president, however, has not carried the State since 1852. Even in 1912, when Roosevelt received a plurality of sixty thousand over Taft, the greatly reduced Republican vote in Michigan still exceeded the Democratic by one thousand. Between 1894 and 1910 the Republican vote has never been less than fifty-two per cent of the total vote, and in 1904 it was as high as sixty-nine per cent. In the legislature of 1891 the Democrats had a majority in both houses. Since then they have never secured a majority in either house, and in

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<sup>22</sup> Lists of newspapers are contained in the Official Directory and Legislative Manual of the State of Michigan. Many papers, of course, that call themselves independent are in effect either Republican or Democratic. A prominent Democrat believes that independent actually means Republican. Moreover, counties with no Democratic papers are not without the circulation of Democratic opinion.

<sup>23</sup> Dilla, p. 254.

<sup>24</sup> Interviews.

<sup>25</sup> Detroit Tribune, September 12, October 14, 22, 1890, February 10, 14, 22, 1891.

1905 the legislature was all Republican. Between 1890 and 1912 the Democrats have at no time controlled both national and state administrations; and during most of that time they have controlled neither. The Republicans, therefore, have practically monopolized political patronage.

The Republican vote, moreover, is evenly distributed. In 1904 and 1908 the Republican candidate for president carried every county in the State; and in 1900 and 1906 the Democrats carried only one.<sup>26</sup> Wayne County, the chief urban center, appeared to be normally Democratic prior to 1894, but it has since given the Republican state and national tickets increasing majorities. The upper peninsula is a Republican stronghold with overwhelming majorities at every election. The Democrats did not carry a single county in that section at a state or national election between 1894 and 1912. The safe Republican majority may account in part for the fact that Michigan, since the birth of the Republican party, has never had a presidential candidate, and since 1888<sup>27</sup> has had no important aspirant for a presidential nomination.

*Leadership.*—Along with advantages of patronage and wealth, the Republican party, at least until 1902, had the advantage of superior leadership. During this time the undisputed head of the party was James McMillan, a multi-millionaire of Detroit, who was elected United States Senator in 1889 and retained the office until his death in 1902. He succeeded Zachariah Chandler as chairman of the Republican state central committee in 1879; and in 1886 was again elected to the same office. In 1896, when he resigned the nominal management of the party organization while retaining the actual control, he had been connected with the central committee for twenty years and had been its chairman for ten years,—a longer period than fell to the

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<sup>26</sup> St. Joseph in 1900 and Cass in 1906.

<sup>27</sup> In the Republican national convention in 1888 R. A. Alger, a former governor of Michigan, and later secretary of war and senator, received 84 votes on the first ballot and 143 on the fifth (Proceedings of the Republican National Convention, 1888, p. 134). The election of 1916 has not necessitated any modification of the above statements.

lot of any of his predecessors or successors.<sup>28</sup> He almost never made speeches and rarely came into direct relations with the workers of his party, but he used money effectively, and was skillful in the choice of his subordinates and in the distribution of patronage. Tactful and conciliatory, he usually came to terms with his enemies, and he did not interfere in state contests unless his own prestige or position seemed involved.<sup>29</sup> He was a boss; but, to use the words of one of his assistants, he was perhaps the "easiest boss that Michigan ever had."

Differing in almost every respect from McMillan and other Republican leaders of the nineties, Hazen S. Pingree was the most picturesque state leader of the time. He was mayor of Detroit during four terms. In spite of his lack of education—his speeches were written for him and, unless he lost control of himself, were read verbatim—his wealth, his homely personality, his original methods, his radical policies, and his attacks on bosses won for him a large following outside of Detroit and secured for him a firm hold on the organization in Wayne County. Defeated by the machine in 1892 and 1894, he finally secured the Republican nomination for governor in 1896. Though his support by the organization was lukewarm, he ran ahead of his ticket. In 1898 he was in absolute control of the state convention and the new central committee, and was renominated and reelected, again running ahead of his ticket. Had he been well educated and had he been wise in the choice of his political advisors, he might have threatened Senator McMillan's leadership. As it was, he is noteworthy in the history of party organization for his early and vigorous advocacy of direct nominations, for his denunciation of bosses and corporations, and for his frank championship of

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<sup>28</sup> Detroit Tribune, December 10, 1894, April 24, 1896.

<sup>29</sup> "The keynote of his political leadership . . . was executive ability—rare discrimination in the selection of assistants and consummate skill in handling them" (Detroit Tribune, August 11, 1902).



independent voting. He was the first of the Michigan insurgents.<sup>30</sup>

On the death of Senator McMillan in 1902 the Republican organization was left without a leader. Strong factional feeling developed, and in several counties local bosses appeared who were able to make their power felt in the state organization.<sup>31</sup> In the meantime, the so-called progressive sentiment was growing in the Republican ranks. The election of W. A. Smith as senator in 1907, of Townsend to succeed Burrows in 1910, and of Osborn to the governorship in 1910 gave definite indication of new ideas and new methods.

The leader of the Democratic organization in 1890 was Don M. Dickinson, a Detroit lawyer, who had been post-master-general in Cleveland's first administration. The chairman of the state central committee, however, was D. J. Campau, also of Detroit; and in 1892 Mr. Campau became national committeeman as well as state chairman. With the beginning of the cleavage in the Democratic party between the gold and silver elements, accentuated in Michigan by a dispute over the distribution of patronage,<sup>32</sup> Mr. Campau put himself at the head of the radical faction and Mr. Dickinson led the administrationists. Mr. Dickinson controlled the state delegate convention in 1896; but the victory of the silver forces in the national convention and the unseating of several of the gold delegates from Michigan delivered the state organization into the control of Mr. Campau. From this time until 1908 Mr. Campau was national committeeman and dominated the state organization. He was a close friend of Mr. Bryan, an industrious party worker, an organizer of some ability,

<sup>30</sup> Detroit Tribune, February 2, 1895, March 13, May 26, November 6, 1896, April 10, 1897, September 21, November 7, 9, 1898; F. E. Haynes, *Third Party Movements since the Civil War*, pp. 408-410; J. F. Hogan, ed., *The History of the National Republican League of the United States*, pp. 360-364; and interviews.

<sup>31</sup> The most powerful of these local bosses were Tom Navin of Wayne, Tip Atwood of Tuscola, Bill Judson of Washtenaw, and Link Avery of St. Clair. In 1904 Atwood was said to be in control of the state organization (Detroit Tribune, July 23, 1904).

<sup>32</sup> See below, pages 28-29.

and, above all, a man of wealth who was believed by his followers to be generous in the financial support of his party.<sup>33</sup> He never held an elective office.<sup>34</sup>

In 1901 the Democrats returned to their old party name, having practically absorbed the Populists and the Silver Republicans.<sup>35</sup> In 1904 the state organization of the Gold Democrats was abandoned, and many of the conservatives again became conspicuous at Democratic gatherings. The party organization, however, grew steadily weaker. In 1908 the organization was captured by a conservative group of leaders who are still in control.<sup>36</sup> The Progressive movement and the resulting split in the Republican party placed a Democrat in the governorship in 1912, and the holding of this office, with the direct primary, has considerably strengthened the Democratic organization.

*Legal Status of Party Organizations.*—Prior to 1887 the legislature and the supreme court of Michigan were reluctant to recognize political parties or to interfere in their internal affairs. In *People v. Hurlbut* the supreme court declared unconstitutional an act of 1871<sup>37</sup> which provided for a board of public works in Detroit, the members to be taken from the two political parties. The party composition of the board was criticized by the court, but the unconstitutionality of the act was based on other grounds.<sup>38</sup> An

<sup>33</sup> His enemies, however, accused him of fostering a financial myth, and declared that his large campaign contributions were not actually his, but were funds derived from other sources.

<sup>34</sup> On the political activities of Mr. Campau and Mr. Dickinson see *News*, January 10, April 28, 1886; *Detroit Tribune*, April 22, 1892, July 31, 1896, June 22, 25, August 10, 1898; *Detroit Free Press*, September 7, 1886, June 22, 1894, July 6, August 14, 26, September 6, 1896; *Proceedings of the National Democratic Convention*, 1900, p. 264; *Legislative Souvenir and Political History of Michigan*, p. 59.

<sup>35</sup> *Detroit Tribune*, March 6, 9, 1901. The Middle-of-the-Road Populists, however, maintained an organization until 1909. The Silver Republican organization practically ceased to exist in 1900.

<sup>36</sup> October 1, 1916.

<sup>37</sup> 3 Session Laws, 1871, p. 273.

<sup>38</sup> 24 Mich. 44 (1871). Justice Christiancy said: "This act, therefore—the first ever brought to my knowledge, which has attempted to recognize parties as permanent—if it intended that their identity should be determined by anything more than the mere name of the organization to which an individual might profess to belong, has attempted a mere impossibility." Justice Cooley declared the provision

act of 1885 providing for a board of election commissioners in Detroit to be appointed from the two leading political parties was held unconstitutional because, among other reasons, it prescribed a political test for the holding of office.<sup>39</sup> In 1887, however, a law was passed which not only recognized parties but prescribed optional regulations for the control of conventions and ward primaries;<sup>40</sup> and in 1889 the first of the secret voting acts<sup>41</sup> was passed, these acts again involving the recognition and regulation of parties. The legal regulation of party primaries and of elections was extended in subsequent legislation and was upheld by the supreme court. Legal control of the ballot early brought before the court cases involving the validity of nominations. In *Shields v. Jacobs* (1891), a case arising from a split convention, the court decided that it was not the province of the board of election commissioners to determine the regularity of a party convention, but that both tickets nominated should go on the ballot.<sup>42</sup>

In accordance with this decision, an opinion of the attorney-general the following year declared that it was the duty of the board of election commissioners to print all tickets duly certified by the chairman and the secretary of the committee of a political organization.<sup>43</sup> In 1894, however, the court itself reviewed the proceedings of a party convention and, in the light of party custom, decided as to the regularity and validity of its nomination.<sup>44</sup> The leading Michigan case, however, is that of *Stephenson v. Board of*

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as to appointment from parties nugatory "because the Legislature, on general principles, have no power to make party affiliation a qualification for office."

<sup>39</sup> *Attorney-General v. Detroit Common Council*, 58 Mich. 213. Justice Campbell said: "But parties, however powerful and unavoidable they may be, and however inseparable from popular government, are not and cannot be recognized as having any legal authority as such. The law cannot regulate or fix the numbers, or compel or encourage adherence to them."

<sup>40</sup> Public Acts and Joint and Concurrent Resolutions of the Legislature of the State of Michigan, 1887, No. 303. Cited as Public Acts.

<sup>41</sup> Public Acts, 1889.

<sup>42</sup> 88 Mich. 164.

<sup>43</sup> Annual Report of the Attorney-General of the State of Michigan, 1892, p. 213.

<sup>44</sup> *Beck v. Board of Election Commissioners*, 103 Mich. 192.



Election Commissioners, in which the nominee of a rump convention claimed a place on the official ballot. The court pointed out that the usual remedy against injustice in convention procedure

has been either a bolt on the part of the dissatisfied, and the selection of an opposition candidate within the party, or a refusal by the electors to support the nominee; and the courts have been careful not to interfere with the application of these remedies which have usually been found adequate . . . and when a considerable faction of a convention leaves the meeting, and nominates a ticket, claiming to be the representative of the party which called the convention, it is not the province of the courts to determine upon technical grounds that it is not, and that its action is void, and deny it a place upon the ballot, thereby defeating the purification of methods within the party, or to say which faction was right and which wrong. . . . The electors must decide between them.<sup>45</sup>

The above doctrine was reaffirmed in 1904 in *Jennings v. Board*, the court holding that, in the absence of fraud, the determination of a political convention as to who are its nominees is final,<sup>46</sup> and in 1907 in *Potter v. Deuel*, when the court declared that the composition of a committee according to the custom and usage of the party with the sanction of the party conventions would not be disturbed by the courts.<sup>47</sup> In the following year, in *Burns v. Board*, the court decided that the relator, who had received six of the eleven votes in a regularly constituted convention, was entitled to a place on the regular Republican ticket rather than the respondent, who had received five votes in a seceding body.<sup>48</sup> The policy of the Michigan supreme court, therefore, appears to have been in general to refuse to decide controversies between claimants to a nomination for the reason primarily that such controversies are extremely difficult to adjudicate, and, when making an exception, to decline to go back of party usage or the determination of a regularly constituted convention.

Neither the legislature nor the courts of Michigan have

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<sup>45</sup> 118 Mich. 396. See also *Baker v. Board*, 110 Mich. 635 (1896). "The reluctance of the courts to enter upon an inquiry . . . into the question of fact as to which of two contending factions truly represents a political party, has been manifested in various cases."

<sup>46</sup> 137 Mich. 720 (1904).

<sup>47</sup> 149 Mich. 393 (1907).

<sup>48</sup> 154 Mich. 471 (1908).

undertaken to frame a precise definition of party organizations. The attorney-general was of the opinion that the words "political organization" or "political party" as used in the general election law of 1891 "must be construed to mean any respectable body of citizens who are electors of any township or election district, and who assemble themselves together in the manner provided by the law, and hold a nominating caucus or convention."<sup>49</sup> In *Chateau v. Board*, the supreme court said that a nomination for alderman "ought to represent the wishes of a respectable portion" of the electors of the ward "in order to entitle the ticket, as a distinct party ticket, to be printed upon the ballot."<sup>50</sup> The attorney-general said:

I apprehend that what the court means by a respectable body of "such electors" must depend very largely upon the number of voters in the district where the candidate is to be nominated. For instance, if there were three hundred voters in the ward, ten voters could not be said to be any respectable portion of the electors of the ward, and unless the caucus or convention was called by giving public notice so that all the people of the ward or district might be notified, I hardly think that a board of election commissioners would be criticized for refusing to accept a ticket when they knew that it only represented a secret caucus, attended by less than five per cent of the voters of the ward.<sup>51</sup>

*General Features.*—When party organizations were free from legal control and later with respect to matters not regulated by law, the form and the working of the organizations were determined by rules adopted by the parties themselves and by custom. The organization—in general outline the two parties were alike—was based on the political subdivisions of the State. There was a party committee for the State as a whole, for the county, for the city, for the congressional district, for the senatorial district, for the representative district, for the judicial circuit, for the ward, and for the township. In general each of these political subdivisions had its own convention or primary. In campaigns the organization frequently extended into the precincts and the school-districts. The organization in each political subdivision was considered in theory to be an

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<sup>49</sup> Report of Attorney-General, 1892, p. 181.

<sup>50</sup> 50 N. W. Rep. 102.

<sup>51</sup> Report of Attorney-General, 1892, pp. 206-207.

independent organization, not only with respect to the organizations in other subdivisions, but also with respect to the state organization; and the state organization was considered to be independent of the national organization.<sup>52</sup>

Within the State and within each subdivision the highest authority was considered to be the party convention; but on most matters, and especially on those which were most pressing, the party committee took decisive action. As a matter of fact, however, written rules were rarely adopted even by the state central committees. The written rules of the Republican state central committee seem never to have been complete, and the Democratic state central committee does not appear ever to have adopted written rules of any kind.<sup>53</sup> The practice of the organizations was determined almost wholly by custom. In quiet times and quiet places custom was likely to continue uninterrupted for many years. On account of the looseness of the party confederation we find in the various subdivisions a puzzling variety of practices. Probably no two counties were at any time alike in every detail of form and procedure. Republican practice in one county will be found to resemble Democratic practice in another, and both may differ from the practice of either party in a third county.

Except in the nominating process, there was no permanent arrangement for the coordination or subordination of the various organizations, although in practice these cooperated with each other and with the state organization. Sometimes the organizations of two or more subdivisions were consolidated;<sup>54</sup> sometimes the functions of one organization were assumed by another.<sup>55</sup> The relations of the organization of one subdivision with that of another depended on custom, on expediency, on geography, on the local political situation, and especially on the ability and the temper of the party officials. In general the good of one organization

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<sup>52</sup> Interviews.

<sup>53</sup> Interviews.

<sup>54</sup> As in Wayne and Kent counties, where the county, city, and congressional committees were sometimes consolidated.

<sup>55</sup> As in the case of representative and senatorial district committees.



was felt to be the good also of the others; and the recognition that unity was essential to success was itself unifying. The state leaders, moreover, were usually also local leaders; and below the surface there were invisible influences which always worked for a centralized and comprehensive control. The existence of this invisible element in party control makes difficult a real understanding of the dynamics of the organization.

Party battles in Michigan have been fought on two election dates: the first Monday in April, and the first Tuesday after the first Monday in November. In April occurs the election of township and village officers, most city officers, the justices of the supreme court, the regents of the university, the circuit judges, since 1903 the county commissioners of schools, and since 1909 the superintendent of public instruction, the State Board of Education, and the State Board of Agriculture. At the biennial election in November have been chosen all other elective state officers, in most counties the remaining county officers, members of Congress, and, quadrennially, presidential electors. Party organization has been most complete and most active prior to the fall election, and more complete and more active in presidential than in off years. The spring election, although it has not been taken out of politics as was intended, is chiefly important for the fact that it is the first state election in the United States following a presidential campaign.

## CHAPTER II

### PARTY COMMITTEES, PRIMARIES, AND CONVENTIONS, 1890-1904

*Committees.*—The ward committee usually consisted of three members.<sup>1</sup> Legislation in 1895, however, necessitated in Detroit a committeeman in each voting precinct, to be elected at the first precinct primary for a term of one year.<sup>2</sup> The ward committee exercised almost complete control over the conduct of primaries, but its campaign duties tended to gravitate into the hands of the city or county committee.<sup>3</sup> Its officers were a chairman, a secretary, and sometimes a treasurer.<sup>4</sup> The township committee consisted ordinarily of three members, who were elected at the first township primary in the spring and who served for one year;<sup>5</sup> the committeeman first elected usually acted as chairman.<sup>6</sup>

The county committee, the most important local party organ, was usually made up of one member from each ward and township, and these ward and township representatives were elected at the county convention, which in most cases confirmed caucus selections by ward and township delegations.<sup>7</sup> Sometimes, however, the county convention decided that the chairmen of the ward and township committees should make up the county committee.<sup>8</sup> The committee ordinarily served two years, and the customary

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<sup>1</sup> Detroit News, August 19, 1912; Detroit Free Press, October 28, 1894; Grand Rapids Herald, May 9, 1902.

<sup>2</sup> Local Acts of the Legislature of the State of Michigan, 1895, No. 411. Cited as Local Acts.

<sup>3</sup> Detroit Free Press, October 11, 1892, July 11, 1906.

<sup>4</sup> Ibid., March 18, 1891, February 15, 1899.

<sup>5</sup> Grand Rapids Herald, March 10, 22, 1900.

<sup>6</sup> Detroit Tribune, March 15, 1888, and interviews.

<sup>7</sup> Detroit Tribune, August 22, 1886; Grand Rapids Herald, August 25, 1898, May 16, August 3, 1902.

<sup>8</sup> Ann Arbor Argus-Democrat, August 22, 1902, and interviews.

officers were a chairman, a secretary, and a treasurer, with sometimes a vice-chairman and an assistant-secretary. In Wayne County the chairman was often selected by the committee itself, in other counties, usually by the county convention; but in many cases he was actually named by the candidates<sup>9</sup> or by a dominant clique or a boss. There was usually an executive committee, consisting of five, seven, or nine members, appointed by the chairman, and of this sub-committee the chairman and the secretary were usually ex-officio members and officers.<sup>10</sup> The county committee usually held a meeting for organization immediately after its selection by the county convention; but meetings in general were infrequent except during campaigns and were usually secret.<sup>11</sup>

The county committee was an essential element of the party mechanism, and its control formed the chief issue in many factional fights. The office of chairman entailed work and sacrifice, and it was generally filled, especially in the Republican organization, by energetic and able men who were often repeatedly reelected.<sup>12</sup> In recommending the appointment of postmasters Senator McMillan sought and usually followed the suggestions of the county chairmen. "When people complained about an appointment," said one of the senator's former assistants, "we told them that, if they were dissatisfied, their business was to select a new county chairman." The members of the committee were often disinclined or were unable to meet and act, and expressly or tacitly authorized the chairman to transact practically all of the business. While engaged in the service of the party he often availed himself of the opportunity to build a personal machine, the finished product of

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<sup>9</sup> As in Kent County. *Grand Rapids Herald*, June 18, 1892, May 16, 1902; *Detroit Tribune*, August 15, 1886, July 15, 1890.

<sup>10</sup> *Detroit Tribune*, October 10, 1894, October 23, 1902; *Detroit Free Press*, September 23, 1890. In 1899 the Wayne County Republican Executive Committee consisted of the chairman, the secretary, the treasurer, and fifteen other members (*Detroit Free Press*, February 9, 1899).

<sup>11</sup> For an exception see *Detroit Free Press*, February 12, 1899.

<sup>12</sup> *Detroit Tribune*, April 16, 1904.



which, in the Republican party, was usually an appointive or elective office.

At the head of the state organization stood the state central committee, with general supervision over other organizations in so far as they participated in the nomination and the election of state officers. It named new district committees when, on account of legislative reapportionments or for other causes, the regularly chosen committees had become defunct.<sup>13</sup> It decided on the party name and vignette.<sup>14</sup> During the period 1890-1904 the constitution of the two central committees was the same: two members from each congressional district, and four officers who were usually selected from outside the committee.<sup>15</sup> The members of the committee were chosen biennially, in presidential years at the first state convention. A caucus of district delegates meeting just before the state convention selected the two district members of the committee, and the caucus selection was confirmed by the state convention. Reelections were common.<sup>16</sup> The committee filled its own vacancies.<sup>17</sup> Apparently no provision existed for the removal of members or of officers; but, as far as I can learn, there were no removals.<sup>18</sup>

The officers of the state central committee were a chairman, a vice-chairman, a secretary, and a treasurer. The chairman was customarily selected by the state convention. Delegates frequently made the attempt in conventions to leave the selection of a chairman to the committee; this was done by the Democrats in 1904 and possibly in 1894. From 1890 to 1904 the Republicans had four chairmen, the Dem-

<sup>13</sup> Detroit Free Press, March 2, 1892; Detroit Tribune, March 2, 5, 1892; Proceedings of the Republican National Convention, 1892, p. 11.

<sup>14</sup> As was done by the Democratic central committee in 1896 and 1901, in the latter year after authorization by the state convention (Detroit Tribune, March 6, 1901).

<sup>15</sup> In 1892 an unsuccessful attempt was made to enlarge the Republican central committee to three members from each district (*ibid.*, April 14, 15, 1892).

<sup>16</sup> One member in 1903 had served for fourteen years (*ibid.*, January 20, 1903).

<sup>17</sup> *Ibid.*, October 19, 1888.

<sup>18</sup> *Ibid.*, September 19, June 22, 1898, August 26, 1904; Detroit Free Press, June 29, September 7, 20, 1894.

ocrats six. In the selection of a state chairman wealth was a desideratum, for in the absence of dependable revenue the incumbent had to bear unexpected burdens and pay expected deficits. Of the ten chairmen of this period four were reputed millionaires; five of them were lawyers, and five were from Detroit. Most of them were at one time or another aspirants for public office. The secretary was usually the personal choice of the chairman, although formally chosen in most cases by the committee. The Republican secretary for many years was paid a salary,<sup>19</sup> and he devoted most of his time to the work of organization; but the Democratic secretary received payment only while engaged in campaign activities. The chairman appointed an executive committee to which the central committee delegated many of its powers, the membership of this subcommittee varying from six to eleven. There were two regular meetings of the central committee, in presidential years three: a meeting for organization immediately after its selection, and a meeting just before each state convention to pass on the credentials of delegates. The chairman called other meetings at his discretion. Proceedings of the committee were usually secret, but were often attended by candidates and other party leaders. According to newspaper reports, the first open meeting of a state central committee was in 1898 when the Republicans held a public session.<sup>20</sup>

The national committeeman was theoretically the representative in the State of the national organization and a connecting link between the two organizations. The office was considered to be the prerogative of wealthy men, especially of men willing to contribute generously to campaign funds. In the Democratic organization, which differed in this respect from the Republican, the national committeeman was considered to be more important than the state chairman, because in the minority party the national committeeman was expected, in the event of party success, to be the distributor of federal patronage. From 1892 to

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<sup>19</sup> \$1200 to \$1500.

<sup>20</sup> Detroit Tribune, October 5, 1898.

1896, however, Mr. Campau, who was national committee-man and was in control of the state organization, was opposed to the administration; accordingly the leader of the administrationists in the State, Mr. Dickinson, selected a number of referees in various parts of the State who recommended Democrats for appointment. This arrangement intensified the opposition of the radical wing of the party, which regarded Mr. Dickinson's methods as opposed to "the rights and authority of the regular party organization."<sup>21</sup>

In the congressional district committees there was much variety with respect both to number of members and method of selection, the committee very commonly consisting of one member from each of the counties in the district, chosen by the congressional district convention.<sup>22</sup> The officers were usually chosen by the committee or by the candidate; and in the first district, which coincided with Wayne County, it appears to have been the custom for the candidate to name the entire committee,—as, in fact, he frequently did in other counties.<sup>23</sup>

The senatorial district committee consisted usually of three or five members, or of one member from each of the subdivisions of the senatorial district. The representative district committee was similarly constituted; but in the cities the city committee usually acted as a representative district committee, and in some counties the county committee performed that function. The judicial circuit committee was in general unimportant; it called judicial conventions, and in some circuits managed the campaigns of candidates for circuit judge.

The city committee, composed of representatives of

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<sup>21</sup> Detroit Tribune, September 12, 1894; Detroit Free Press, June 25, 1894.

<sup>22</sup> Detroit Tribune, July 9, 1902, May 30, 1902; statements in Michigan Department of State. For other apportionments see Grand Rapids Herald, May 2, 1900, September 17, 1902.

<sup>23</sup> Grand Rapids Herald, September 1, 1904; Detroit Tribune, October 11, 1892, September 13, 1900; Detroit Free Press, March 10, 1908. In 1898 and in 1904 J. B. Corliss of the first district had a committee of over one hundred (Detroit Tribune, October 11, 1898, April 22, 1904).



wards chosen at the ward primaries, was chiefly concerned with municipal nominations and elections. In Detroit and Grand Rapids, however, it performed much of the campaign work of the county and district committees, acting at times according to a definite arrangement for the securing of effective cooperation.

*Primaries.*—In the nominating process the party primary was the first and most vital step. Here in theory the opinion of the rank and file of the party became articulate in definite delegations of authority. No feature of the party organization, however, was subjected to so much deserved attack, reformers, newspapers, and party leaders repeatedly pointing out the connection between bad primaries and bad government.<sup>24</sup>

Legislation regulating primaries and conventions was passed in 1887, 1893, 1895, 1899, and 1901.<sup>25</sup> Rules for the conduct of primaries, other than as laid down in this legislation, were made usually by the city, ward, and township committees, and sometimes by the county and district committees; but the actual control of the primary was in the hands of the ward and township committees or of the precinct committeemen.

Prior to 1895, primaries were generally held by townships and wards. The local act of 1895 made precinct primaries mandatory in Detroit; and the public act of the same year made precinct primaries optional with the city committees in cities of fifty to one hundred and fifty thousand.<sup>26</sup> Early in the nineties the general custom seems to have been to hold a separate primary for practically every convention.<sup>27</sup>

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<sup>24</sup> For example, Detroit Free Press, March 8, 1895, October 8, 1890.

<sup>25</sup> I do not consider in this chapter the local direct nomination laws passed for Kent, Muskegon, and Wayne counties in 1901 and 1903. There is a summary account and criticism of primary legislation in R. W. Butterfield, "Direct Primaries in Kent County," in Papers and Addresses on Primary Reform, read at the Annual Meeting of the Michigan Political Science Association, 1905, pp. 1-7.

<sup>26</sup> Local Acts, 1895, No. 411; Public Acts, 1895, No. 135.

<sup>27</sup> Thus in Wayne County in 1892 the Republicans held six primaries: the first, to elect delegates to the district convention; this convention elected delegates to the national convention and to the county convention which elected delegates to the state delegate convention; the second,

In the townships there were probably fewer primaries in a year than were sometimes held in the counties; but in presidential years there were as many as four. The tendency, however, seems to have been to lessen the number of primaries and to assign more work to each one.<sup>28</sup> There were disadvantages in holding six primaries in a year; but it is hard to see any counterbalancing advantages in having one primary elect seven sets of party officials, as was sometimes done.

The city or county committee issued the official call for the ward primaries.<sup>29</sup> Conflicting calls were sometimes issued by different committees, resulting in the selection of contesting delegations. The township committees called the township primaries. The call stated purpose, date, and hours of the primary, leaving the place, in cities, to be designated later by the ward committees. Sometimes the call included additional directions; for example, that voting should be by ballot, or that the primary should be held at a central location. The law of 1893 provided that notices of primaries should be published or posted five days in advance.<sup>30</sup>

Not all primaries were partisan. In the villages nominating primaries were frequently called in a general manner and participated in by members of more than one party;<sup>31</sup>

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to elect delegates to the county convention which elected delegates to the state nominating convention; the third, to elect delegates to the county convention which elected delegates to a special state convention held to nominate a candidate for judge of the supreme court; the fourth, to elect delegates to the congressional district convention to nominate a candidate for Congress; the fifth, to elect delegates to county, city, and senatorial district conventions; the sixth, to nominate candidates for aldermen and to elect members of the city committee.

<sup>28</sup> Thus, on October 18, 1900, the Republicans in Detroit held one primary for the choosing of aldermanic candidates, members of the ward committees, members of the primary and election boards, delegates to the county nominating convention, delegates to the city nominating convention, delegates to the senatorial district nominating convention, and delegates to the congressional district nominating convention (Detroit Tribune, October 18, 1900).

<sup>29</sup> Early in the period, however, the call for the county or city convention usually "requested" the ward committees to call the primaries for a certain date (*ibid.*, July 28, 1888).

<sup>30</sup> Report of Attorney-General, 1899, p. 92; Public Acts, 1893, No. 175. This provision was also in Local Acts, 1901, No. 470.

<sup>31</sup> Report of Attorney-General, 1899.

and I am told that in one township it was the custom to hold a union primary for the nomination of township officers, the first and second choices of this primary receiving places on the ballot.

Custom decreed that the call for the primary should not be issued in advance of the call for the corresponding convention; and snap primaries do not seem to have been a general or serious evil, although they were occasionally attempted, especially in the Republican gubernatorial contests in 1896, 1900, and 1902.<sup>32</sup> In some instances primaries were held without any call at all.<sup>33</sup> Primaries were sometimes purposely located in out-of-the-way corners of the ward, and prior to 1893 were in the largest cities frequently held in saloons.<sup>34</sup> The act of that year prescribed that primaries should not be held in saloons or in places adjacent to them.<sup>35</sup>

In general, primaries met within three days of the local convention and very often on the day preceding the convention. The legislation of 1895 prescribed that all wards or precincts in cities of over fifteen thousand inhabitants should hold primaries on the same day, but that all parties should hold primaries on different days. The common councils in cities of fifteen thousand to one hundred and fifty thousand inhabitants were empowered to require parties to hold primaries within a given time; but, unless the council chose to act, the time of the primaries should be determined by the city committee.<sup>36</sup> In Detroit all primaries should be held after the last session of the board of registration, and for the October and March primaries definite days were assigned to each party.

Prior to 1893 the usual hours for primaries as fixed by the county, city, or district committee were in the cities from 6 or 7 to 8 p. m.; in the townships hours in the early after-

<sup>32</sup> Detroit Tribune, April 13, 1896, May 30, September 9, 1900, June 4, 1902; Detroit Free Press, March 22, 1896.

<sup>33</sup> Detroit Free Press, June 21, 1894.

<sup>34</sup> Ibid., September 7, 1886, July 7, 8, 1892; Detroit Tribune, July 9, 1892.

<sup>35</sup> Public Acts, 1893, No. 175.

<sup>36</sup> Local Acts, 1901, No. 470.



noon were selected. The committee in charge, however, often closed the polls long before the announced time for closing, and not infrequently while many were still waiting to vote.<sup>37</sup> Sometimes the committeemen opened and closed the polls intermittently in order to receive the votes of henchmen and exclude the votes of opponents and strangers. Manipulation of the clock was in the opinion of some observers the chief evil of the party primary. As a remedy the law of 1893 provided that in cities of twenty-five thousand or more the primaries should begin at 2 and last until 8 p. m.;<sup>38</sup> and the acts of 1895 prescribed these hours for all cities of fifteen thousand or more,<sup>39</sup> except that in Detroit the hours were to be from 3.30 to 7.30 p. m. The amending act of 1899 provided that the hours in cities of less than thirty thousand should be from 4 to 8; in cities of more than thirty thousand, 2 to 8.<sup>40</sup> In practice, however, the ward committeeman continued in many cases to act as a thoroughly biased time-keeper.<sup>41</sup>

The act of 1887 prescribed no method for the organization of the primary. The township primaries usually assembled in the town hall and were called to order by the chairman of the township committee; in the small cities the ward primary was similarly a party assembly or mass convention of which the chairman of the ward committee was temporary presiding officer. The primary organized by electing a chairman, a secretary, and tellers, but in practice the organization of the primary was largely determined by the chairman of the ward or township committee. Some of the worst cases of disorder occurred over the organization of the primary board, for the voters generally recognized that

<sup>37</sup> Detroit Tribune, October 26, 1886, October 2, 1888, October 11, 1890, July 7, 1892, February 13, 1893; Detroit Free Press, August 6, 1886, April 26, 1888, October 1, 1890, March 11, 14, 1891.

<sup>38</sup> Public Acts, 1893, No. 175.

<sup>39</sup> Public Acts, 1895, No. 135; Local Acts, 1895, No. 411.

<sup>40</sup> Public Acts, 1899, No. 198.

<sup>41</sup> Detroit Tribune, June 8, October 11, 1898, February 21, 27, 1899, October 18, 1900, July 26, October 18, 1902, May 15, 28, 1904. The Kent County act of 1901 provided that hours in the townships should be from 2 to 6 p. m. and in the city from 2 to 8 (Local Acts, 1901, No. 470).

this initial step in the proceedings was very likely to determine the result. In quiet times there were often hardly enough persons present to elect officers; on the other hand, during an exciting contest so large and so unruly a crowd sometimes assembled that fair organization was impossible.<sup>42</sup>

In Detroit the primaries were managed by a caucus board, which usually consisted of the chairman or a member of the ward committee and two inspectors chosen by the voters present at the opening of the primary. The legislature in 1895 attempted to curb the power of the ward chairman in Detroit by providing not only for precinct primaries, but for the election by ballot at the primary of three primary election inspectors and three alternate inspectors who should hold office for one year, and who, with the ward committeeman resident in the precinct as ex-officio chairman, should constitute a board of primary election inspectors for all primaries during the year.<sup>43</sup> Outside of Detroit the board of inspectors should be composed of a member of the ward committee as ex-officio chairman, and two inspectors who should serve for two years.<sup>44</sup> The act of 1887 had provided that the presiding officer and the inspectors should take an oath as in general elections.<sup>45</sup> The most progressive party leaders favored putting the primaries in the control of the regular registration officers; but this plan was never adopted by the legislature.<sup>46</sup> Finally in 1901 the legislature enacted that in the townships of Kent County the township committee should act as board of primary inspectors, and that in the city a member of the ward committee as ex-officio chairman and two inspectors should preside over the ward primary.<sup>47</sup>

One of the most persistent evils was the participation by members of one party in the primaries of the other. In Detroit when there were contests in the Republican party Democrats usually took part in Republican primaries.

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<sup>42</sup> Detroit Tribune, February 20, 1895.

<sup>43</sup> Local Acts, 1895, No. 411.

<sup>44</sup> Public Acts, 1895, No. 135.

<sup>45</sup> Public Acts, 1887, No. 303.

<sup>46</sup> Butterfield, page 1ff.

<sup>47</sup> Local Acts, 1901, No. 470.

The act of 1887 left the parties free to prescribe their own tests of party membership, the final decision as to a voter's eligibility resting with the board, and in contested primaries challenges were frequent. The poll-list, the registry roll, and even the city directory were occasionally used to check illegal voting, but with little success.<sup>48</sup> The voter was not required to declare his party affiliation unless challenged. The public act of 1895 provided for party registration in cities of fifteen to one hundred and fifty thousand; the registration had to be in charge, however, of the city committee. It provided also for challenges and for the taking of an oath as to party affiliation by the challenged voter, and it required a sworn witness as to residence. No one, according to the law, could vote whose name was not on the party registration list or the registration list of the last election unless he took an oath as to residence, age, and party affiliation.<sup>49</sup> The parties did not generally undertake or did not continue the registration of their members, and in a few years this part of the law was ignored.<sup>50</sup> Throughout the period the challenge and the oath were practically the only checks on the members of one party voting in the primaries of the other.<sup>51</sup>

The local act of 1895 applying to Detroit went somewhat more into detail, making it the duty of the city clerk to deliver the registration list and the blanks for poll-lists to a policeman who should attend the primary and deliver the materials to the chairman of the board of inspectors. The law required the board of inspectors to check off voters on the registration list and to keep a poll-list of all persons voting. But this part of the act was seldom faithfully observed. The residence qualification was often disregarded, gangs of heelers sometimes marching from precinct to precinct and voting in each.

The act of 1887 did not prescribe a method of voting, but

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<sup>48</sup> Detroit Tribune, October 17, 1890, October 26, 1892, September 21, 1894; Detroit Free Press, September 21, 1894.

<sup>49</sup> Public Acts, 1895, No. 135.

<sup>50</sup> Grand Rapids Herald, August 24, 1898.

<sup>51</sup> Report of Attorney-General, 1899.



implied that voting by ballot was the regular way. The township primaries and the ward primaries in the less populous cities usually elected delegates and nominated candidates by acclamation. When contests developed, however, informal and formal ballots were taken. In Detroit the call often specifically prescribed voting by ballot, and the act of 1893 made this method of voting mandatory in cities of twenty-five thousand or more, prescribing that ballots might be received through an open window, but where the ballot-box was inside, the room should be large enough to admit a reasonable number of persons.<sup>52</sup> The local act of 1895 provided that in Detroit booths should be set up by the city council and that the polling place and all the arrangements for secret voting should be the same as in general elections. The general act of the same year, which was less skilfully drawn, contained the same provision but lacked the machinery to carry it out. It was discretionary with the common councils to cause booths to be erected, and if erected there was nothing in the act to compel their use.<sup>53</sup> Both acts provided for ballots of uniform size, but the ballots were prepared and distributed outside the polling place, and repeating and stuffing were frequent.

The primary board counted the ballots, precisely what it should not have done. An innocuous provision of the act of 1887 had made false counting a misdemeanor. The local act of 1895 provided for certified duplicate copies of the count, one copy to be delivered to the city clerk and the other to constitute the credentials of delegates elected at the primary. But the counting was often conducted secretly and fraudulently, and the board of inspectors through its power to count the ballots was able to perpetuate itself in office. In the townships and smaller cities the counting of the ballots, like other features of the primary, was less open to criticism.<sup>54</sup>

In the opinion of most observers the fundamental evil

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<sup>52</sup> Public Acts, 1893, No. 175.

<sup>53</sup> Report of Attorney-General, 1896, p. 97.

<sup>54</sup> Correspondence.

in the nominating system was not any defect in machinery or absence of legislative control, but it was the conspicuous failure on the part of the average citizen to attend the primaries. It seems to have been generally felt that the primaries were cut-and-dried affairs, managed by the ward committeemen, and that whatever might be done or whoever might vote, the result would be the same. At the usual hours of primaries the workingmen found it hard to attend. There were too many primaries in a year. Finally the primary was merely a preliminary step in a complicated nominating process, and it was an impossibility to register at the primary an intelligent decision or a clear mandate as to nominations or issues.<sup>55</sup> Ordinarily when the good citizen went to the polls in Detroit he either found them closed or found only one list of delegates to vote for; and in either event it is scarcely surprising that he should consider his visit useless.

No official record of the primary vote was preserved, and the newspapers seldom published the vote unless the primaries were in some respect exceptional or sensational. It is, therefore, impossible to make satisfactory computations of primary votes. From the data available, however, it is evident that the proportion of the party membership attending the primaries was on the average very small. More than fifty per cent of the party rarely attended, and the average was probably not more than twenty per cent. The city primaries were better attended than the country, the Republican better than the Democratic, the contested better than the uncontested, and those held in regular election years better than those held in off years.<sup>56</sup>

It is true that occasionally the primary vote exceeded the

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<sup>55</sup> An intelligent Republican politician of Detroit in 1902 attributed the lack of attendance at primaries to (1) the large number of primaries; (2) the power of the ward-heeler; (3) the fact that the delegate while expressing the voter's choice for one candidate did not express it for others; (4) the bartering of votes in conventions; and (5) the manipulation of conventions (C. C. Simons, "Direct Primary Elections," in *Publications of the Michigan Political Science Association*, p. 136).

<sup>56</sup> The following figures represent what were believed to be abnormally large votes in Republican primaries and will serve to illustrate, although not to prove, the above estimate:

party vote at the succeeding election. At Ann Arbor, for example, in 1900, on the occasion of a contest for the control of the Republican county organization, 1369 voted in the primaries and 1341 voted for the Republican candidate for secretary of state.<sup>57</sup> Such an abnormally large vote may be attributed to the participation of Democrats or to apathy or defection in the election. To offset the occasional heavy votes, there was in many cases practically no attendance at all, and frequently no primary was held. Examples of this extreme are to be drawn chiefly from Democratic history.<sup>58</sup>

Date	Place	Primary vote	Election vote
1892 <sup>a</sup>	Detroit, 14 wards	8354	18980
1900 <sup>b</sup>	Detroit	13602	29229
1900 <sup>c</sup>	Lansing	1219	2073
1900 <sup>d</sup>	Battle Creek	1514	2375
1898 <sup>e</sup>	Brownston Tp., Wayne Co.	246	375
1903 <sup>f</sup>	Grand Rapids	1765	7393
1902 <sup>g</sup>	Grand Rapids	4652	6805

<sup>a</sup> Detroit Tribune, July 9, 1892; Michigan Manual, 1901.

<sup>b</sup> Michigan Manual; Detroit Tribune, June 1, 1900.

<sup>c</sup> Detroit Tribune, June 13, 1900.

<sup>d</sup> This was called the largest vote known (Detroit Tribune, June 12, 1900).

<sup>e</sup> This was said to be the largest primary in the history of the township.

<sup>f</sup> These primaries, according to newspaper reports, called out an unusually heavy vote (Grand Rapids Herald, February 18, 1903). The heaviest vote was in the fourth ward which gave 300 in the primary and 701 in the election.

<sup>g</sup> Grand Rapids Herald, June 19, 1902.

<sup>57</sup> Detroit Tribune, April 24, 1900.

<sup>58</sup> The following table gives the attendance in five Democratic primaries in Detroit:

Date	Place	Attendance
1897 <sup>a</sup>	Detroit	No primaries in 23 precincts
1899 <sup>b</sup>	Detroit	No primaries in 40 precincts
1901 <sup>c</sup>	Detroit	No primaries in 55 precincts, and in three wards no one attended but the policemen with the materials
1902 <sup>d</sup>	Detroit	In 120 precincts, 334
1903 <sup>e</sup>	Detroit	No primaries in 49 of the 125 precincts

<sup>a</sup> Detroit Tribune, March 19, 1897.

<sup>b</sup> Detroit Free Press, March 5, 1899.

<sup>c</sup> Detroit Tribune, March 2, 1901.

<sup>d</sup> Ibid., July 26, 1902.

<sup>e</sup> Simons, p. 140.



The party primaries were at their worst in Detroit, where in close contests disorder was usual and fights were not infrequent.<sup>59</sup> The township primaries were often controlled by rings of leading men or petty politicians, but seldom through corrupt or "strong-arm" methods. Bribery was known to be common in Detroit, less common in other cities, and comparatively rare in the rural districts. Votes in primaries were purchased in a variety of ways, but usually with drinks<sup>60</sup> or small sums of money.<sup>61</sup> Primary corruption attained its highest point in 1894, and led to the public act of 1895 which provided penalties for soliciting money from the candidates or from any other person, for receiving directly or indirectly any money, promise of place or position, or consideration of any kind for a vote or for support or for attendance, for voting at more than one primary, for hiring carriages or other vehicles for conveying voters other than those physically disabled, and for treating or otherwise entertaining any voter. These provisions were not effective, however, and primary corruption reached a climax in the Republican "barrel" canvasses of 1900 and 1902. The exact amount spent by the candidates legitimately or illegitimately cannot be ascertained; and current estimates were doubtless exaggerated. In each of the three counties of Kalamazoo, Ionia, and Washtenaw residents state that each of the three candidates in 1900 spent ten thousand dollars. It was commonly reported that the successful candidate in that year spent to secure the nomination one hundred thousand dollars, much of which was used in the primaries.<sup>62</sup>

In addition to the various primaries, a Detroit partisan

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<sup>59</sup> Detroit Free Press, October 30, 1894; Detroit Tribune, November 27, 1894.

<sup>60</sup> A party official said in 1894: "I heard one man say that he had got eighteen beers for voting eighteen times at one caucus" (Detroit Tribune, February 27, 1894).

<sup>61</sup> In the Republican primaries, July 7, 1892, it was reported that toughs were paid one dollar a head (Detroit Free Press, July 7, 1892). See also Detroit Tribune, June 2, 1900.

<sup>62</sup> A manager of one of the unsuccessful candidates in the same campaign told me that his candidate spent \$57,000 in Kent County alone and lost the county.

in 1892 should have been interested in the following conventions, beginning in April and ending in October: a county convention to elect delegates to the state delegate convention; a congressional district convention to elect delegates to the national convention; a state convention to elect delegates to the national convention; a county convention to elect delegates to the state nominating convention; a state convention to nominate state officers; a county convention to elect delegates to a special state convention; a special state convention to nominate a justice of the supreme court; a city convention to nominate city officers; a senatorial district convention to nominate state senators; a county convention to nominate county officers; and a congressional district convention to nominate a candidate for Congress. In Lansing in 1896 there were six conventions: a city convention, three county conventions, a senatorial convention, and a representative convention.

Outside of Wayne County it seems to have been usual for one county convention to select delegates to the state convention, the congressional district convention, and the senatorial district convention. The county nominating convention was customarily held at the same time as the representative district convention, the former body dividing according to districts to make nominations for the legislature.

The call for the county convention, issued by the chairman and the secretary of the county committee and usually published in the newspapers two or three weeks in advance of the convention, stated place, date, hour, and purpose of the gathering, apportionment of delegates, and date and hours of the primaries for the selection of delegates.<sup>63</sup> It seems to have been recognized as a customary rule that the county convention should not be called before the state convention had been called, and that the county convention

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<sup>63</sup> Detroit Tribune, March 15, April 22, 1888, June 8, 1898; Detroit Journal, February 21, 1899; Grand Rapids Herald, August 2, 1898, February 13, 1899, April 4, 1900, June 12, 1902, February 17, 1903.

should transact only the business stated in the call.<sup>64</sup> The dates of county conventions varied greatly.

In the number and the apportionment of delegates, which were subject to no uniform rule, a conflict asserted itself between the principle of equality in representation of wards and townships and the principle of apportionment according to party vote. Where the former principle prevailed the representation appears to have been usually one delegate from each voting precinct, or three, four, or five from each township or ward. In many cases, however, the number of delegates was roughly proportional either to the whole population or to the party vote.

According to a rule adopted by the Republican state convention in 1876, every county was entitled to one delegate for each five hundred of the total vote cast for governor at the last election and one additional delegate for every fraction of three hundred votes, but each organized county was entitled to at least one delegate. In 1900 the Republican state convention changed the apportionment so that in the future it would be based on the vote for governor in presidential years; and later the Republicans provided that each organized county should have two delegates.

Nominations in county conventions prior to 1895 were often made by ballot, but when there was no contest they were usually by acclamation. The local act of 1895 provided that candidates should be selected by a viva voce vote on a roll-call of the delegates;<sup>65</sup> and an act of 1901 applying to Kent County prescribed detailed directions for voting in conventions, providing for a roll-call of ward and township delegations by the secretary of the convention, for an announcement of the votes by the chairmen of delegations, and for a poll of the delegation in case of challenge, and prohibiting the announcement of votes of absent delegates.<sup>66</sup>

The distribution of nominations so as to satisfy the various parts of the county was a problem which party managers

<sup>64</sup> Detroit Tribune, September 9, 1900, May 4, 1904; Ann Arbor Democrat, April 24, 1896; Lansing State Republican, April 30, 1896.

<sup>65</sup> Detroit Tribune, June 26, 1902.

<sup>66</sup> Local Acts, 1901, No. 389.



had to solve. In some counties there was an understanding that certain offices should go to the city or cities and others to the country.<sup>67</sup> County conventions in the upper peninsula, moreover, as well as in other sections where there were marked racial groups, had to make their nominations reflect more or less faithfully the racial complexion of the county. Even in counties which were not dominated by a machine, nominations apparently were usually pretty well settled before the meeting of the convention, in order to secure a satisfactory distribution of nominations and a harmonious convention.

The call for the state convention, determined upon by the state central committee a month or more before the date of the convention and issued and signed by the chairman and the secretary, prescribed date, place, hours, and purpose of the gathering, apportionment of delegates among the counties, residence qualifications of delegates, date, hours, and work of the congressional district caucuses, directions to the secretaries of county committees to forward certified lists of delegates, and often other directions to county committees and their officers.<sup>68</sup> The state delegate convention usually met in May, the state nominating convention in July, August, or early September. The fixing of the date was often a tactical move for the advantage of some candidate.<sup>69</sup>

In 1890 the Republican state convention had 944 and the Democratic 954 delegates; in 1902 the Republican had 1094 and the Democratic 1102. Absent delegates—and a number were always absent—were represented by proxy or their places were filled by the remainder of the delegation.

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<sup>67</sup> Detroit Tribune, June 19, 1898, and interviews.

<sup>68</sup> For an example, see Grand Rapids Herald, July 30, 1898. In the Democratic state central committee meeting in 1900 the following considerations were mentioned in fixing the date of the state nominating convention: (1) It should be soon after the national convention so as to take advantage of the enthusiasm that has been aroused; (2) it should be after harvest so that farmers can attend; (3) it should be late so that the campaign can be short, sharp, and economical; (4) it should be early enough to give time for thorough organization.

<sup>69</sup> Detroit Tribune, February 25, 1891, April 30, 1896, May 4, 1900; Detroit Free Press, May 5, 1892.

The northern counties were most likely to be unrepresented. The attendance was better in Republican than in Democratic conventions.<sup>70</sup> It was a rule that delegates in state conventions should reside in the counties which they represented.<sup>71</sup> Delegates were ordinarily admitted to the convention hall by badge or ticket supplied by the secretary of the state central committee; they were grouped according to congressional districts; and with the exception of distinguished guests no one not a delegate was ordinarily allowed on the floor.<sup>72</sup>

Previous to the convention the various congressional district delegations held caucuses, at which, following the selection of a chairman, a secretary, and a teller, each district chose two members of the central committee, one vice-president of the convention, one member of the committee on credentials, one member of the committee on permanent organization and order of business, and one member of the committee on resolutions. The congressional district appeared again as an organization unit in the selection of district delegates to the national convention. These were usually chosen by conventions in the districts, but were sometimes selected by district caucuses at the state convention.

With respect to the nomination of presidential electors the practice of the two parties seems to have differed. In Republican conventions the congressional district was regarded as the unit, and presidential electors were looked upon as national officials, and were accordingly put in nomination by the state convention which selected delegates to the national convention. In Democratic conventions the county was regarded as the unit, and presidential electors were looked upon as state officers, and were usually nominated by the state convention which nominated state officers.<sup>73</sup> The difference in practice corresponds to the

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<sup>70</sup> In the latter part of the period no more than two or three hundred delegates attended some of the Democratic conventions (Detroit Tribune, June 22, 1898, March 7, 1901).

<sup>71</sup> Grand Rapids Herald, February 13, 1899.

<sup>72</sup> Detroit Tribune, April 30, 1896.

<sup>73</sup> Detroit Free Press, May 22, 1908.

different constitutional philosophies of the two parties. Usually nomination speeches were made on a roll-call of districts and an informal vote was taken by counties or districts, the chairman of the delegation announcing the vote. Convention interest centered in the nomination for governor. In the Republican party there were keen contests for this honor, since nomination was practically equivalent to election. In nominations for other state offices there was, in Republican conventions at least, considerable log-rolling and little interest in the actual balloting. After nominating the head of the ticket, delegates left the hall, and the proceedings came to an end somewhat perfunctorily in the midst of disorder.

The district conventions were called by the district committee, usually subsequent to the state convention. Generally speaking, where the district coincided with or was smaller than the county, representation in the district convention was the same as in the county convention and delegates were elected in ward and township primaries. Where the district comprised two or more counties, representation was likely to be the same as in the state convention and delegates were elected by county conventions. In at least one respect, however, Republican district conventions differed from both state and county conventions. Where the district was composed of two or more counties, as was frequently the case, each county was likely to have a candidate for the nomination,—a situation which resulted in dead-locks and prolonged ballotings.<sup>74</sup> The desire for harmony often led to an understanding that nominations should alternate from one county to another, and in the case of members of the legislature the two-term custom facilitated these understandings.

Leaders in secret conference usually prepared for the

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<sup>74</sup> Detroit Tribune, September 15, 1894. In 1898 the seventh congressional district Republican convention nominated Weeks on the 749th ballot (Grand Rapids Herald, September 4, 1898). In 1902 the second congressional district Republican convention nominated Townsend on the 801st ballot (Detroit Tribune, May 29, 1902). See also Detroit Tribune, August 18, 1892, August 4, 1896, June 24, July 22, 1898.



real work of the convention long before the assembling of the delegates, not infrequently planning every step in the convention program, naming committees, slating nominations, and appointing a steering committee or a floor leader to push the slate through. A necessary step in the control of a convention was the domination of the ward and township committees and the primaries. More immediately effective was the control of the committee which called the convention, for, lacking a majority of the delegates, a victory might still be won by controlling the convention organization.<sup>75</sup>

The preliminary organization of conventions in Michigan brings to light a conflict between what may be termed the idea of popular control and the idea of regularity. This conflict—most marked, perhaps, in local conventions—was waged over two steps in the preliminary organization: (1) the appointment of the temporary chairman, and (2) the fixing of the roll of delegates and the adjudicating of credentials. Both of these steps were extremely important in the strategy of convention control.

(1) All conventions were called to order by the chairman of the appropriate party committee. In state conventions between 1890 and 1904 the temporary chairman seems to have been named in all cases by the state central committee; and the assembled delegates never rejected the choice of the committee, although it was recognized that they had the power to do so.<sup>76</sup> In county, city, and district conventions the situation was different, some of the worst cases of disorder occurring in connection with the selection of a temporary chairman.<sup>77</sup> In many counties and districts it was customary for the delegates themselves to elect the temporary chairman,<sup>78</sup> although, of course, the chairman

<sup>75</sup> Detroit Tribune, April 29, 30, 1896, October 25, 1898.

<sup>76</sup> But see Detroit Free Press, August 28, 1890.

<sup>77</sup> Detroit Tribune, April 14, August 13, October 9, 1892, April 29, June 26, 1900; Detroit Free Press, October 9, 1890, February 26, 1893, June 13, 1894.

<sup>78</sup> Detroit Free Press, March 15, 1899; State Republican, June 23, 1894, March 31, April 25, 30, August 3, September 10, 1896; Beck v. Board, 103 Mich. 192.

of the committee through his power of recognition might actually determine the selection. Other temporary officers were usually named by the delegates, who, however, often simply confirmed the selections of the party committee. The temporary officers did not need to be delegates to the convention.

This difference in the attitude of delegates toward the selection of the temporary chairman is explained largely by the fact that in local conventions the temporary chairman named the committees of the convention.<sup>79</sup> In all conventions there were three important committees: a committee on credentials, a committee on permanent organization and order of business, and a committee on resolutions.<sup>80</sup> In county conventions these committees consisted of three or five members each. In state conventions they consisted of one member from each congressional district. Most important was the committee on credentials; and a consideration of the work of this committee brings us to the second step in the preliminary organization of the convention and to the second phase of the conflict between the principles of popular control and regularity.

(2) With respect to the credentials of delegates to state conventions the procedure was about as follows: The credentials were drawn up and signed by the chairman and the secretary of the county convention and issued in triplicate, one copy being sent some time in advance of the state convention to the secretary of the state central committee, and one copy being given to the chairman of the delegation.<sup>81</sup> The state central committee examined the credentials, made out the temporary roll of the convention, and authorized the secretary to issue badges or tickets to the delegates on this roll. "Badges or tickets were issued to the congressional district members of the state committee

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<sup>79</sup> For a protest against this practice, see *Detroit Tribune*, April 14, 1892.

<sup>80</sup> In county delegate conventions there was often also a committee on apportionment and sometimes committees appointed for special purposes.

<sup>81</sup> In the case of delegates to a Democratic state convention the credentials were certified by the chairman of the county committee.

and by them distributed to the chairman of the county delegations, who in turn distributed them to the individual delegates. If the state committee had not decided a contest from any county, tickets for that county were withheld. If both contesting delegations were seated—each being given one-half a vote—then tickets were issued to each delegate so seated. Badges or tickets conferred no power. They simply enabled delegates to get into the hall.”<sup>82</sup> If there were no contests, the state committee reported in favor of the delegates bearing regular credentials, and the credentials were returned to the convention with the report. The adoption of this report settled the permanent roll of the convention. In case of contests the state committee often seated one of the contesting delegations, sometimes both, and sometimes neither. After the organizing of the convention the credentials committee or the convention as a whole could seat a delegate or a delegation rejected by the state committee.<sup>83</sup> Through their power of settling contests, therefore, the state committee in the first place and the credentials committee in the second could in many cases practically determine the result of the convention. Although the credentials committee ordinarily conducted hearings and sometimes very protracted ones, its decisions were determined in most cases by factionalism and expediency rather than by principles of judicial fairness. In Democratic state conventions it has been customary, if the credentials committee presents a unanimous report, not to take up contests on the floor of the convention; if there is a contest, however, it has usually gone to the convention.

What has been said about the procedure in relation to credentials in state conventions will apply, generally speaking, to the local conventions. In these conventions, how-

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<sup>82</sup> Letter from D. E. Alward, November, 1915.

<sup>83</sup> F. W. Waite, who is familiar with Republican convention procedure in the nineties, writes: “The roll as made by the committee was practically always adopted. I think in 1896 the state central committee seated the Avery faction as against the contending faction and the temporary organization of delegates modified this by giving the two delegations one-half a vote apiece; more as a matter of politics than of justice. This is the only case I remember where the committee was reversed or modified.”



ever, the selection of the temporary chairman by the assembled delegates and the selection of the credentials committee by him considerably increased the importance of the temporary roll. There were two alternatives. The party committee might seat both of the contesting delegations and give each delegation one half a vote. This obviously put a premium on the trumping up of contests; for a contesting delegation, however chosen, would during the preliminary stage of the convention negative a regularly chosen delegation.<sup>84</sup> The party committee might, however, seat one of the contesting delegations, giving it a vote in the preliminary organization of the convention. It is denied that this was done in Republican state conventions, but it was done in other conventions. In any event, to give a contested delegation a voice in the choice of its own judges and a vote in adopting the decision of the judges does not appeal to one's sense of abstract justice. When contesting delegations secured access to the convention hall, as they frequently did in local conventions, a struggle at once ensued over the selection of the temporary chairman who should name the credentials committee. At this point, a split was most likely to occur; for the result of the convention might be decided by the votes of delegates whom the presiding officer—the chairman of the party committee—did not consider delegates at all.

In spite of the difficulties inherent in the system and asserting themselves constantly in practice, and in spite of the inequitable findings of credentials committees, the legislature has not attempted to surround the preliminary organization of conventions with any safeguards,<sup>85</sup> and the supreme court adopted a policy of non-interference with party organs.<sup>86</sup> In *Beck v. Board* the court reviewed the proceedings in a senatorial district convention which had split over the report of the credentials committee, and on

<sup>84</sup> For an interesting example, see *Detroit Tribune*, July 16, 1902.

<sup>85</sup> Under the acts of 1895 the certificates of election made out by the primary election board of inspectors was to constitute the credentials of delegates elected at the primary.

<sup>86</sup> See above, page 19ff.

the authority of party usage decided as to the validity of the convention and the right of its nominee to a place on the ballot to the exclusion of the nominee of the rump convention.<sup>87</sup> Nevertheless the general attitude of Michigan courts toward committees on credentials, in fact toward party organizations in general, is best explained in a later case, *Stephenson v. Board*.<sup>88</sup> Delegates to conventions, says the court,

usually come armed with something in the nature of credentials and it has usually been supposed that the assembly itself passes upon the authenticity and sufficiency of such credentials, and it has been quite common for conventions to admit bystanders from an unrepresented district to seats as representatives of their locality, although without other authority. While it has doubtless been the common practice for chairmen of political committees to use the gavel to procure order and silence, to read the call, and then to ask the assembly its further will or pleasure, and put motions until a temporary chairman is chosen, we have not understood it to be the province of the chairman to do more, or so much even, if against the will of the assembly. Certainly, we know of no rule of law authorizing it. The assembly is a law unto itself and has uniformly been the judge of the qualification of its own members, and its decision final.

The contention of the relator seems to be based upon the assumption that the assembly cannot be trusted to faithfully discharge the duty of sifting out the disqualified, and that for that reason there must be some outside authority which shall have power to determine

the qualification of delegates; "and they claim that party custom has conferred that power upon the committee." It can be said on either side that the alternative plan can be so used as fraudulently to control the convention.

These difficulties do not now present themselves for the first time. From our earliest recollection, party politics has always been a matter of shrewdness and management, not always defensible; yet the people have been left to deal with the difficulties as they arise. It is not to be supposed that committees on credentials, however fairly selected, have always dealt justly; and, no doubt, expediency or political exigency has governed their actions to the exclusion of abstract justice. The remedy has been either a bolt on the part of the dissatisfied, and the selection of an opposition candidate within the party, or a refusal by the electors to support the nominee; and the courts have been careful not to interfere with the application of these remedies which have usually been found adequate.

Since the convention split, the court must

do one of two things, viz: Either follow the precedents, and say that

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<sup>87</sup> 103 Mich. 192 (1894).

<sup>88</sup> 118 Mich. 396.

we will not decide between the rival factions, or ourselves decide who were the lawfully elected delegates to the convention. To do this, we might be called upon to investigate every ward or township caucus and county convention held in the two disputed counties, and, had either side asked it, throughout the district. We have intimated that the assembly is the judge of the qualification of its members, and that back of its decisions we cannot go. Its presiding officer is its creature and it must protect itself. In turn, its voters must protect themselves against fraud upon their convention or misconduct of its delegates, officers, and candidates; and when a considerable faction of a convention leaves the meeting, and nominates a ticket, claiming to be the representative of the party which called the convention, it is not the province of the courts to determine upon technical grounds that it is not, and that its action is void, and deny it a place upon the ballot, thereby defeating the purification of methods within the party, or to say which faction was right and which wrong. . . . The electors must decide between them.

Delegates were often unwilling or unable to attend conventions. In such cases they were usually represented either by proxies or by substitutes elected by the remainder of the delegation; and it was a rule that the holder of the proxy or the substitute should be from the circumscription which he represented.<sup>89</sup> The buying and selling of proxies and the issuing of fraudulent proxies became a source of considerable corruption. Many conventions ruled them out altogether and insisted that vacancies should be filled by the delegation itself.<sup>90</sup> This rule was made law in 1895<sup>91</sup> and was generally observed thereafter. Delegates usually paid their own expenses to state conventions; but in the case of delegates from Wayne County to contested conventions it was not uncommon for their expenses to be paid by persons interested in controlling the convention.

The committee on permanent organization and order of business, although less important than the committee on credentials, was nevertheless frequently utilized in the strategy of the convention. It reported the permanent officers, the order of business, and the method of voting, and in doing so sometimes devised ingenious schemes to control the selection of delegates or nominations. One

<sup>89</sup> Detroit Tribune, April 30, 1896.

<sup>90</sup> Detroit Free Press, June 21, 22, 28, September 16, October 17, 1894; Detroit Tribune, September 2, 5, 27, 1894, March 13, 1895, May 27, 1904; Proceedings of the Democratic National Convention, 1896.

<sup>91</sup> Local Acts, 1895, No. 411; Public Acts, 1895, No. 135.



device was to change the geographical basis of selection of delegates, for one faction of the convention sometimes controlled a majority of the districts and the opposing faction controlled a majority of the counties. Disfranchising schemes of this kind were probably more common in local than in state conventions.

The following was the order of business in the Republican state delegate convention in 1892:<sup>92</sup> (1) report of credentials committee; (2) vote on making temporary organization permanent; (3) election of delegates at large; (4) nomination of two electors at large and one from each district; (5) election of chairman of state central committee; (6) confirmation of members of state central committee from districts; (7) report of resolutions committee; (8) adjournment.

Pursuant to the law of 1887, the permanent officers of nominating conventions were sworn in by a notary. To bind delegates to certain action they were often instructed and the unit rule was adopted. In some counties it seems to have been customary to instruct, in others not to instruct.<sup>93</sup> During this period there were isolated cases of rump conventions growing out of local contests, but except in 1896 there was no state-wide bolting movement.

Michigan experience in the period under consideration affords a basis for three fairly definite conclusions. In the first place, conventions were not representative. The delegates were not drawn from all classes of men, but were too largely office-holders and their dependents and other professional politicians. In local conventions delegates from the country districts were practically powerless, the city lawyers usually dominating the proceedings. Men who were not delegates at all frequently took part in proceedings on the floor, and were still more frequently influential in proceedings off the floor. The arbitrary rulings of the chairman, the unfair handling of contests, the arrangement of committees, or the unofficial power of a boss

<sup>92</sup> Detroit Tribune, April 15, 1892.

<sup>93</sup> Ibid., July 3, 1892, April 20, May 1, 1896; Detroit Free Press, July 20, 1892.

frequently determined the result of conventions and actually disfranchised a majority of the delegates. Above all, conventions did not represent in their nominations the public opinion of the party. With the exception of that of Pingree, it is doubtful if a single Republican gubernatorial nomination in this period represented a substantial demand of the party membership. Dummy candidates were sometimes put up to divide the vote and make it possible to nominate a minority candidate. The studied ascertainment of party sentiment was a negligible element in the making of nominations; an equally ineffective check in Republican conventions was the prospect of defeat. Having their origin in a party opinion which found in the primaries an attenuated and incoherent expression, convention nominations were the final result of a series of filtrations which removed every vestige of responsibility. This is not to imply, however, that nominations in all cases were bad; for some candidates, such as those for the supreme court, were notably good.

In the second place, conventions were not deliberative. There was much manipulation and wire-pulling and little discussion. Slates made debate superfluous. Participation in conventions was not looked upon as an honor or a responsibility. Disorder and fights were frequent in local conventions, which were sometimes practically unmanageable mobs. It is true that old politicians refer to a time when the nominating system was ideal, when conventions were councils where party leaders met and arrived at rational and wise decisions; but this time had evidently passed long before 1890. State conventions were less demoralizing, more orderly, more dignified, and higher in tone than local conventions. Democratic and third-party state conventions were more deliberative than were Republican state conventions, but mainly for the reason that their prizes were not worth fighting for.

Thirdly, methods used in conventions were often corrupt. In conventions, especially in Detroit, where several candidates were to be nominated—for example, for the legislature

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<sup>94</sup> Detroit Tribune, October 12, 1890, October 9, 12, 13, 1892.

<sup>95</sup> Ibid., March 14, 1893.

<sup>96</sup> Public Acts, 1887, No. 303.

<sup>97</sup> Public Acts, 1895, No. 135; Local Acts, 1895, No. 411.

<sup>98</sup> Detroit Tribune, October 13, 1892, June 9, 1894, April 30, 1896, October 30, 1898, June 30, October 27, 1900. “Money has been paid freely and openly on convention floors” (Governor Pingree’s outgoing message, 1901, in *Journal of the House of Representatives of the State of Michigan*, 1901, vol. I, p. 29). “Syndicates of office-seekers are formed, corrupt combinations are made, delegates are bought and sold, promises of position to unworthy men are often of necessity made. . . . The convention has become the medium of trickery, bribery and fraud” (Governor Pingree’s message, in Detroit Tribune, January 8, 1897).

<sup>99</sup> A Republican politician said in 1903: “Under the present arrangements, a man without money or without an ‘angel,’ who aspires to any



The increase of corruption and the deterioration of conventions is attributed generally to the entrance into politics of corporations, which through their attorneys and the liberal use of money participated in both conventions and campaigns. Originally this participation seems to have been largely a defensive move against blackmailing bills in the legislature; but the activities of corporations steadily increased in thoroughness and extent, and at the same time developed a new and corrupt class of convention managers. In state politics the Michigan Central Railroad was believed to be the most powerful element, and in the upper peninsula the mining corporations exercised a pretty constant control over local conventions.

Nevertheless conventions served useful purposes. They kept the organization alive; they stimulated and focused party enthusiasm; they tended to obliterate or satisfy factions. These more favorable considerations will be treated in a later chapter.

*Fusion.*—In 1894 A. M. Todd was nominated for Congress in the third district by the Prohibitionists, the People's party, the Union Silver party, and finally by the Democrats. The Republicans had reason to fear that this combination would carry the district. They had a majority in the legislature, however, and shortly before the election passed a law providing that the name of a candidate nominated by more than one party should not appear in more than one column of the official ballot.<sup>100</sup> It was charged that the purpose of the law was purely partisan, and it is significant that Mr. Todd's opponent was then lieutenant-governor and president of the state senate.<sup>101</sup> When a mandamus suit was brought into the supreme court before the election, the four Republicans on the bench upheld the law, the one Democrat entering a dissenting opinion.<sup>102</sup> The attorney-general held later that the law did not apply to local city,

high office at the present time, has his candidacy treated as a joke, and we look at such a man as having no chance of winning" (Detroit Tribune, March 13, 1903).

<sup>100</sup> Public Acts, 1895, No. 271.

<sup>101</sup> Correspondence with A. M. Todd, November 3, 1915.

<sup>102</sup> Todd v. Board, 104 Mich. 474.

village, and township elections.<sup>103</sup> On account of this law, the Democratic, People's, and Union Silver parties did not fuse in 1896, but adopted a joint name and made joint nominations. They held separate conventions on the same day, and each convention appointed a conference committee of five members. The committee of fifteen agreed that nominations should be made as follows: by the Union Silver party, a candidate for governor; by the People's party, candidates for auditor-general and state land commissioner; and by the Democratic party, candidates for the remaining state offices.<sup>104</sup> After nominating state officers the delegates to the three conventions met together and nominated presidential electors. During the campaign the three parties maintained separate organizations, the three state central committees occasionally holding joint meetings,<sup>105</sup> and their candidates were placed on the ballot in one column under a hyphenated name. Similar procedure was followed in 1898 with a different apportionment of offices.<sup>106</sup> In 1899 the three parties came together in one convention,<sup>107</sup> and in 1900 the Populists and the Silverites were practically absorbed into the Democratic ranks. In 1904 the strength of the fusion idea in the Democratic party was shown by the fact that J. S. Stearns, who had twice been defeated for the Republican nomination for governor, came near securing a majority in the Democratic convention.<sup>108</sup>

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<sup>103</sup> Report of the Attorney-General, 1899, p. 100.

<sup>104</sup> Detroit Tribune, August 26, 27, 1896. The nomination for secretary of state was at the time left vacant, with the expectation that it would be filled later by the National party.

<sup>105</sup> Detroit Free Press, September 29, 1896; Detroit Tribune, November 26, 1896.

<sup>106</sup> Detroit Tribune, June 22, 1898.

<sup>107</sup> Detroit Free Press, March 9, 1899.

<sup>108</sup> Grand Rapids Herald, August 4, 1904.

## CHAPTER III

### DIRECT PRIMARY LEGISLATION

The first local direct nomination law in Michigan was passed in 1901, the first general law in 1905. The public opinion, however, which looked to the abolition of the convention system of nomination rather than to its legal regulation had its inception as early as 1894. The unusually objectionable primaries of that year led to a pronounced but unorganized agitation for reform, in the course of which a few of the most radical citizens proposed to abolish absolutely all conventions.<sup>1</sup> As we have seen, however, the legislature of 1895 contented itself with attempting the regulation of primaries and conventions, leaving most of the nominating machinery in the control of the party organization. Nevertheless, as early as 1896 the Republicans of Battle Creek decided in mass-meeting to do away with the city convention and to nominate city officers directly in the ward primaries.<sup>2</sup>

*Early Attempts.*—With the election of Hazen S. Pingree to the governorship in 1896, the movement for direct nominations entered the stage of legislative debate. In his first message Governor Pingree laid marked emphasis on the direct nomination issue.<sup>3</sup> In this session several bills relating to this matter were drafted and introduced but none were passed.<sup>4</sup> Members of the legislature from Detroit were very prominent in the attempt to secure the enactment of a direct nomination law. In 1898 public opinion,

<sup>1</sup> Detroit Tribune, November 10, 11, 12, 13, 14, 1894; Detroit Free Press, November 16, 1894.

<sup>2</sup> Detroit Free Press, March 14, 1896.

<sup>3</sup> Detroit Tribune, January 8, 1897.

<sup>4</sup> Ibid., January 8, February 20, March 2, 6, 1897; House Journal, 1897, pp. 103, 571, 638, 643, 662, 717, 762; Senate Journal, 1897, pp. 210, 296, 366.



especially in Detroit,<sup>5</sup> was crystallizing. For the first time direct nominations were discussed by the Michigan Political Science Association, which had been organized in 1893.<sup>6</sup> In his message in 1899 Governor Pingree urged the passing of a law which should apply "to all candidates for each elective office, from governor down to township and ward officers."<sup>7</sup> Representative Colby of Wayne County introduced five direct nomination bills, two general and three to apply only to Wayne County;<sup>8</sup> but the only result of the session was the amending of the acts of 1887 and 1895.<sup>9</sup> The opposition argument most frequently heard was that the direct primary would destroy the party organization and would give to the cities a monopoly of the nominations at the expense of the country districts.<sup>10</sup> In this session, however, the majority of the farmers in the legislature which opposed direct nominations was not significantly large,<sup>11</sup> and was probably due more to the native conservatism of the farmer than to a feeling that the legislation would be contrary to his class interests.

The corrupt gubernatorial campaign of 1900 greatly strengthened the sentiment for direct nominations; and in Wayne County a majority of the Republican senatorial and legislative conventions and candidates endorsed the direct nomination principle.<sup>12</sup> In his address in 1901 at the close of his term Governor Pingree dwelt at length on the need for direct nominations; but the incoming executive made no recommendation on the subject.<sup>13</sup> There was no dearth of bills, however; and the most important ones passed the Lower House, being opposed by some of the agricultural

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<sup>5</sup> Grand Rapids Herald, November 9, 1898; Detroit Tribune, October 6, November 3, 12, 24, 26, 1898.

<sup>6</sup> Detroit Tribune, November 20, 1898.

<sup>7</sup> Detroit Free Press, January 6, 1899.

<sup>8</sup> House Journal, 1899, pp. 217, 520, 521, 591.

<sup>9</sup> See above, page 30ff.

<sup>10</sup> Detroit Free Press, February 18, 1899; Detroit Journal, February 11, 1899.

<sup>11</sup> On one vote in the House 19 of the 39 farmers voting favored the bill (House Journal, 1899, p. 1070). In the Senate two of the six farmers voting favored the bill (Senate Journal, 1899, p. 1288).

<sup>12</sup> Detroit Tribune, February 8, March 26, 1901.

<sup>13</sup> House Journal, 1901, pp. 29, 30.

members, by office-holders, and by machine politicians in general, some of whom expressed the fear that direct nominations would "bring Pingree back."<sup>14</sup> In addition to the arguments used in the previous session, it was now contended that the direct primary would be too expensive, that it would facilitate manipulation,<sup>15</sup> and that it would unduly increase the power of the newspapers. It was also held that the farmers would not attend the primary elections.<sup>16</sup> The session resulted in the enactment of three laws affecting party organizations: a law supposed to have been passed at machine dictation abolishing off-year elections in Detroit and merging the city with the general elections;<sup>17</sup> a law regulating convention procedure in Kent County;<sup>18</sup> and a law providing for direct nominations in the city of Grand Rapids,<sup>19</sup> which, after a trial in the March primaries, was superseded by a more detailed law passed during the same session of the legislature.<sup>20</sup>

These local acts for Grand Rapids, which in their main provisions were identical, provided that primary elections in that city should be controlled by the general election officials and in details not specifically covered by these special acts should be governed by the general election laws; that in the direct primary should be nominated all candidates for elective city offices, judges, representatives and senators in the state legislature, and all other elective officers chosen in the city except elected members of school boards; that the primary should be held on the third Tuesday preceding the general fall election and on the third Tuesday preceding the city election; that to secure a place on the primary ballot candidates should file a personal affidavit and pay a fee which for the principal offices amounted to fifteen dollars; that separate ballots uniform in size and color should be

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<sup>14</sup> Detroit Tribune, January 19, 23, February 10, March 22, 1901.

<sup>15</sup> Ibid., files for February, 1901.

<sup>16</sup> Ibid., February 8, 1901.

<sup>17</sup> Local Acts, 1901, No. 437; Detroit Tribune, March 23, 26, 1901.

<sup>18</sup> See above, page 41.

<sup>19</sup> Local Acts, 1901, No. 292. In effect February, 1901. The first primary elections under it were held on March 5, 1901.

<sup>20</sup> Local Acts, 1901, No. 471. In effect June 6, 1901.

printed for the different parties; that the voter should state his party affiliation when he received his ballot; and that the candidates nominated at the primary should select the chairman and the secretary of the city and legislative campaign committees. The acts also made provision for the nomination of independent candidates by mass conventions.

In 1902 the popular demand for the direct primary became more general and more insistent. Democratic and Republican conventions alike endorsed it, and conventions in rural as well as in urban counties favored it.<sup>21</sup> It was the chief issue in the Republican preconvention canvass and in the campaign.<sup>22</sup> The renomination and reelection of one who had been characterized as a barrel candidate and a machine governor served to intensify the demand for legislative action. Some county committees voluntarily tried the direct nomination plan. In Wayne County the chairman of the Republican county committee, advised by leading Republicans, worked out the details of a plan which was adopted by three of the four senatorial district committees. It was put into operation on October 17, but, on account of the lack of legal safeguards, failed to give general satisfaction.<sup>23</sup> In Washtenaw County the chairman of the Republican county committee instituted a direct primary which was less successful than the one in Wayne County, owing in this case to the refusal of the anti-Judson Republicans to participate and to the fact that the regular nominating convention was held as usual after the primary election.<sup>24</sup>

*Further Local Legislation.*—Governor Bliss in his message to the legislature in 1903 recommended a "satisfactory primary election law."<sup>25</sup> The opposition of the farmers, from the first probably nursed and exaggerated by the poli-

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<sup>21</sup> Detroit Tribune, May 21, June 11, July 26, 1902.

<sup>22</sup> Ibid., May 29, June 22, 24, August 1, 1902.

<sup>23</sup> Ibid., June 4, 27, September 11, 17, October 5, 17, 18, 20, 1902.

<sup>24</sup> Ibid., August 1, 1902. Letter from former County Chairman Green, September 15, 1915.

<sup>25</sup> Detroit Tribune, January 9, 1903.



ticians, had now apparently disappeared. The State Grange and the State Association of Farmers' Clubs declared for direct primaries.<sup>26</sup> At a referendum election the people of Kent County outside of the city of Grand Rapids voted for the application of the system to the whole county.<sup>27</sup> In addition to the familiar objections already mentioned it was argued in opposition to the bill that came nearest to enactment that the putting of registration and the primary election on the same day would encourage "colonization;" that the bill aimed at the destruction of the minority party; and that the convention system was necessary for the adoption of party platforms.<sup>28</sup> The most persistent objection was that the direct primary would hurt the organization.<sup>29</sup> The upper peninsula members based their opposition on the supposed difficulty under direct primaries of apportioning nominations equitably among the various nationalities.<sup>30</sup> The result of this legislative session was the passing of three local acts: one for Wayne County, one for Muskegon County,<sup>31</sup> and a new one for Kent County.

*General Legislation.*—In the gubernatorial campaign of 1904 the question of the adoption of the direct primary was still the most pressing issue. Public opinion seemed unanimous in demanding the new nominating method.<sup>32</sup> Endorsements came from the League of Michigan Municipalities, the Michigan Political Science Association, the State Association of Farmers' Clubs, the State Grange, and the State Convention of Frémont Voters.<sup>33</sup> The State League of Republican Clubs, representing the younger element of the party, was active in creating sentiment for a

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<sup>26</sup> Detroit Tribune, January 30, February 19, 1903. \*

<sup>27</sup> The majority in the county was about 8000 (Grand Rapids Herald, April 21, 1903). The vote in the city of Grand Rapids was: for, 8008; against, 2134 (ibid., April 7, 1903).

<sup>28</sup> Detroit Tribune, April 9, 1903.

<sup>29</sup> Ibid., February 22, 1903.

<sup>30</sup> Ibid., March 8, April 3, 1902; January 20, February 26, 1903.

<sup>31</sup> Local Acts, 1903, Nos. 291, 326, 502.

<sup>32</sup> Butterfield, p. 9.

<sup>33</sup> Detroit Tribune, February 11, April 2, May 19, November 2, 1904.

direct primary.<sup>34</sup> Both the Republican city and county committees in Wayne County favored the new system.<sup>35</sup> The opposition of conservative Republicans and machine leaders was now centered chiefly on the application of the direct nomination principle to general state offices; but these men insisted that, even in the counties and the districts, the proposition should be subject to party referenda. This was the position taken by the two Republican state conventions<sup>36</sup> and by the Republican nominee for governor.<sup>37</sup> In the first congressional district, which was coextensive with Wayne County, the Republican congressional district committee voluntarily adopted a direct primary plan for the selection of delegates and alternates to the national convention; and anti-machine delegates were chosen by large majorities.<sup>38</sup> The Wayne County Republican committee decided to do away with the county convention and to vote directly for delegates to the state nominating convention.<sup>39</sup>

In Alpena County the Republican county convention voluntarily adopted by a vote of 61 to 5 the direct nomination system for all county officers, county committees, and delegates to all conventions.<sup>40</sup> The Democrats declared for general direct primary legislation, and on this issue their candidate for governor polled an unusually large vote. Unmistakable indications of the strength of the public demand convinced the Republicans that a general direct primary law of some kind must be enacted. Machine leaders and members from the upper peninsula directed their efforts, not to defeat the legislation, but to make minimum concessions and to render the system difficult of operation. The act which finally emerged with the governor's signature is a curious sample of the handiwork of a

<sup>34</sup> Detroit Tribune, March 24, 1904; Grand Rapids Herald, February 22, May 18, 1904.

<sup>35</sup> Detroit Tribune, March 25, 1904.

<sup>36</sup> Ibid., May 19, July 1, 1904.

<sup>37</sup> Ibid., February 10, 11, 1904.

<sup>38</sup> Ibid., May 10, 12, 17, 19, 1904.

<sup>39</sup> Ibid., May 29, June 10, 22, 1904.

<sup>40</sup> Ibid., June 19, 1904.

state legislature, and there is reason for believing that the law was deliberately framed so that it would not work.

This law<sup>41</sup> applied to no elective state administrative officers except governor and lieutenant-governor, and left the adoption of direct nominations optional with the parties, prescribing that a separate referendum election should be held in each city, county, legislative district, and congressional district, following the circulation of independent petitions for the election in each of these subdivisions. Furthermore in the referendum elections and in the subsequent primary elections only enrolled members of any party could vote. Voters might enroll at the April election, but enrollment was purely voluntary. The referendum election was to take place on the petition of twenty per cent of the party vote for governor in the last election. It is apparent that twenty per cent of the party vote in the November election represented a larger number than twenty per cent of the enrolled vote; for the vote in the April election is always less than in the November election, and not all those voting would enroll. It is true that the important question of nominating candidates for governor and lieutenant-governor was to be submitted to each party without previous petitioning, but on the adoption of the proposition only enrolled party members could vote. To resubmit the question of the direct nomination of governor and lieutenant-governor petitions signed by only twenty per cent of the enrolled party members were required, a more lenient requirement than that for the original submission of the proposition. The law provided, moreover, that in order to be nominated at all a candidate for governor must have received forty per cent of the votes cast at the primary election. Otherwise, the nomination was to be made in convention.

The law provided for the nomination of candidates for city and county offices, the legislature, and Congress, and for governor and lieutenant-governor. Primary elections were to occur on three dates: for city officers on the second

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<sup>41</sup> Public Acts, 1905, No. 181.



Tuesday preceding the city election, for delegates to conventions on the second Tuesday in June, and for nominations on the first Tuesday in September. Two opportunities were allowed for enrollment, on the first Monday in April and on primary election day for those previously unable to enroll, but there was no provision for the enrollment of independents. Each party was to have a separate ballot. Candidates in the primary were required to file petitions signed by a number of enrolled voters equal to two per cent of the party vote for governor, and no fees were exacted. The voter was expected to write on the ballot the names of delegates to conventions. Any elector "legally qualified and enrolled" might vote in the primary, but he must ask for his party ticket, and if challenged must swear to his party affiliation. The law made no provision for the election of committees, but provided that all county conventions of any party should be held on a day to be designated by the state central committee and to be within seven days after the primary election. The state convention was to take place within sixty days after the primary election, the date and place to be fixed by the state central committee. The law provided for the nomination of candidates of new parties, and their petitions were to be signed by a number of electors equal to one per cent of the total vote for governor in the last election.

The same legislature—1905—passed a local act for Alpena County which contained some features at variance with the public act. The Alpena act<sup>42</sup> provided for the direct nomination of all candidates except those for school district and possibly village offices, for the election and almost complete organization of the city and county committees, and for the filing of petitions not only by candidates for office but by delegates to conventions. The chief innovation, however, was the provision that candidates for the principal county and city offices must receive at least twenty-five per cent of all votes cast at the primary; and if no candidate for nomination to a particular office received

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<sup>42</sup> Local Acts, 1905, Nos. 476, 620.

the required percentage, a second primary should be held a week later at which the two leading candidates in the first primary should again be voted for.

Repealing the Wayne County act of 1903, the legislature passed another act<sup>43</sup> which provided for the election of ward, city, and county committees, a choice by the candidate between the payment of a fee and the filing of a petition, a separate ballot for each party, challenges on the ground of party affiliation, a change in the date of the primary election and the holding of the fall primary on three consecutive days in presidential years and on two days in other years, nominations by new parties or non-partisan organizations, and the legalization of the mass convention as an alternative method of nomination for old and new parties alike. The legislature of 1905 also amended the Kent and Muskegon acts so as to abolish the fee system, which had been declared unconstitutional by the state supreme court.<sup>44</sup>

The referenda on direct nominations in 1905 were in both parties overwhelmingly favorable. Of 55,960 Republicans who voted, 46,447 favored the new method. Of 15,022 Democrats, only 2070 voted in the negative. There was an unfavorable majority in only two of the eighty-three counties, Cass and Tuscola. The latter county was controlled at the time by the most prominent boss in the State.<sup>45</sup> In Kent County, where direct primaries had been tried longest, ninety-six per cent of the Republicans and ninety-seven per cent of the Democrats voted for the local application of the law. The majorities in the upper peninsula were large, although less than in the lower peninsula.<sup>46</sup>

In his messages to the legislature in 1907 Governor Warner recommended a change in the primary law to make the primaries less expensive to the candidates and to the

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<sup>43</sup> Local Acts, 1905, No. 345.

<sup>44</sup> Local Acts, 1905, Nos. 340, 341; *Dapper v. Smith*, 138 Mich. 104 (1904). The legislature also passed an act providing for the direct nomination of the circuit judge in the fourteenth judicial circuit (Local Acts, 1905, No. 341).

<sup>45</sup> T. W. Atwood (Detroit Free Press, June 13, 1906).

<sup>46</sup> *Ibid.*, June 23, 1906.

public; he also recommended a change in the number of signatures required on petitions, a provision for one primary day for both delegates and candidates, the adding of party enrollment to the various local acts, and the regulation of the use of money in the primaries. He urged the enactment of a corrupt practice law and act providing for the publishing of primary expenditures.<sup>47</sup> The legislature passed a general act<sup>48</sup> which repealed the law of 1905 except as to the provisions for party enrollment. This act left the adoption of direct primaries optional with the parties and the localities in the case of district, county, and city offices; but in addition to the mandatory provisions for the nomination of candidates for governor and lieutenant-governor, it made similar provision for candidates for United States senator. This law afforded an opportunity for the enrollment of independents, for a change of party affiliation, and for nominations by new parties. It made the vote for the candidate for secretary of state a measure of party strength, and introduced into the primary the non-fusion provisions of the general election laws.<sup>49</sup> The first Tuesday in September became the date of the primary both for candidates and for delegates, and accordingly the county and state conventions were to be held after that date. The legislature in this session passed ten local acts,<sup>50</sup> the most important of these amending the already radical Alpena act so as to make possible in that county the direct nomination of all candidates, including those for school district and village offices.<sup>51</sup>

Up to January, 1909, direct primaries had been adopted in the following subdivisions:<sup>52</sup>

	Rep.	Dem.	Pro.	Soc.	Soc. Lab.
Congressional districts . . . . .	10	1	2	1	1
Senatorial districts . . . . .	19	8	8	7	7
Representative districts . . . . .	56	16	9	9	9
Counties . . . . .	58	17	5	5	5

<sup>47</sup> Detroit Free Press, January 4, April 24, 1907.

<sup>48</sup> Public Acts, Extra Session, 1907, No. 4.

<sup>49</sup> See above, page 54ff.

<sup>50</sup> Local Acts, 1907, Nos. 353, 370, 483, 601, 693, 712, 728, 740, 752,

754.

<sup>51</sup> Local Acts, 1907, No. 754.

<sup>52</sup> House Journal, 1909, p. 43.



Various local acts were in force; and in practice the nominating system showed need of simplification, unification, and additional safeguards as to the use of money.<sup>53</sup> In 1909, therefore, the legislature in a more scientific and less reluctant spirit enacted a law<sup>54</sup> which repealed the law of 1907 and all contravening local laws and made detailed and careful provision for nominations and party organizations throughout the State. It prescribed that direct nominations should apply without a previous referendum vote to the offices of governor, lieutenant-governor, United States senator, representative in Congress, representatives and senators in the state legislature, and city officers in Detroit and Grand Rapids. The law made a similar provision with reference to officers in all counties and cities already having direct nominations, but permitted its use in other counties and cities and in judicial circuits to be optional. It abandoned the forty per cent provision. Finally it made elaborate provision for the constitution of district committees and contained stringent corrupt practice clauses. This law, with certain amendments, is still in force. In the referendum elections of 1910 Saginaw was the only county of the thirty-three voting that rejected direct primaries.<sup>55</sup>

*Legislation Since 1909.*—In the session of 1911 the legislature<sup>56</sup> changed the date of the fall primary from the first Tuesday after the first Monday in September to the last Tuesday in August, and set the date of the spring primary for the first Wednesday in March. It made mandatory the direct nomination of all officers except city officers in cities of less than seventy thousand, and made possible the direct nomination of school officers. It expressly provided that independents should not be enrolled. It changed the date of the state conventions and made some changes in the method of selecting committees. Most interesting, however, was the legislative attempt to encourage Democrats

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<sup>53</sup> Detroit Free Press, January 8, 1909.

<sup>54</sup> Public Acts, 1909, No. 281.

<sup>55</sup> Detroit News, July 8, 1910; Michigan Manual, 1911, p. 411.

<sup>56</sup> Public Acts, 1911, Nos. 169, 279.

to vote in their own primaries by providing that, if a party failed to poll in the primary fifteen per cent of the party vote for secretary of state in the last preceding election, none of its candidates should be allowed places on the official ballot. The constitutionality of this clause was attacked, but was upheld by the state supreme court, which declared that the test did "not destroy the right of franchise because the voter may write the names on the ballot. It may render his voting less convenient, but it does not destroy or take away his right." A dissenting judge maintained, however, that "it is not competent for the legislature to enact laws which seriously impair the right to the elective franchise . . . [and] the right of all political parties to freely nominate their candidates for office is fundamental."<sup>57</sup> The clause providing for the fifteen per cent vote was in many respects ambiguous. The attorney-general held that it applied to city and ward offices as well as to state and county offices,<sup>58</sup> but he was in doubt whether the clause meant that the vote in the city or county should be controlling rather than that in the State.<sup>59</sup> The clause was unpopular with the Democrats, at whom it was aimed, and it was repealed in the legislative session of 1913.

Early in 1912 the supporters of Roosevelt in Michigan demanded a presidential preference primary, and in February Governor Osborn, who was one of the "Roosevelt Governors," called an extra session of the legislature to enact the desired law. The proposal enlisted the active support of the Roosevelt Republicans and the Wilson Democrats, but it was opposed by the conservatives of both parties and by the mining interests in the upper peninsula and the representatives of the interests in the lower peninsula.<sup>60</sup> The opposition, however, was not to the bill itself but to the proposal to give it immediate effect. To do this required a two-thirds vote, and many of the legislators

<sup>57</sup> *Brown v. Kent County Election Commissioners*, 174 Mich. 481 (1913).

<sup>58</sup> Report of Attorney-General, 1912, p. 347.

<sup>59</sup> Report of Attorney-General, 1913, pp. 71, 110.

<sup>60</sup> *Detroit News*, March 4, 5, 6, 1912.

probably believed that the action would be unconstitutional.<sup>61</sup> In any event the opponents of Roosevelt and Wilson were successful in the legislature. The act, slightly amended in 1915, provides that a presidential primary election shall be held on the first Monday in April in presidential years. Names of presidential candidates shall be placed on the ballot on the sole petition of at least one hundred of their party supporters in Michigan. The law declares that the "candidate receiving the highest number of votes in the State at said election shall be declared to be the candidate and the choice of such political party for this State." No provision is made in the law for the selection of delegates to the national convention or for their instruction.<sup>62</sup>

To the legislature of 1913 Governor Ferris recommended the abandonment of party enrollment, provision for a second-choice column on the primary ballot, the repeal of the fifteen per cent clause, and a corrupt practice act. The Republican majority in the legislature, which was factionally opposed to the men then in control of the Republican state central committee, passed a law providing for the legalization, composition, election, and organization of the state central committees.<sup>63</sup> The attorney-general, however, held the law to be defective and it was never applied.<sup>64</sup> This legislature also passed a thorough corrupt practice act,<sup>65</sup> and an act for the choosing of national committee-

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<sup>61</sup> See testimony of Judge Murfin before the Senate Committee on Privileges and Elections of the 62d Cong., 2d sess., p. 982).

<sup>62</sup> Public Acts, First Extra Session, 1912, No. 9; 1915, No. 219. In the first trial of the law in April, 1916, Henry Ford won the Republican endorsement for president over Senator Smith. The Republican state convention later declared for Justice Hughes. "The utter futility of the presidential primary needs no further demonstration. It is a useless, expensive and undesired innovation in our political system" (Detroit Free Press, April 5, 1916).

<sup>63</sup> Public Acts, 1913, No. 395.

<sup>64</sup> He held the execution of the law to be a physical impossibility, because the county clerk is given ten days to file a return on the names and the secretary of state twenty days to call a meeting of the state board of canvassers, while the law directs that the men elected to the central committee shall meet within ten days after the primary (Detroit Free Press, August 14, 1914).

<sup>65</sup> Public Acts, 1913, No. 109.



men.<sup>66</sup> Significant of the trend of the times was the introduction of a bill for the incorporation of political parties.<sup>67</sup> In amending the general primary law the legislature, besides doing away with the fifteen per cent clause, provided for a substitution of the open for the closed primary, abolished party enrollment, and provided for a single ballot for all parties.

The next legislature, in spite of the Democratic governor's veto, readopted party enrollment in a modified form without, however, returning to the closed primary. The provision is as follows: "When a duly registered and qualified voter shall ask for a ballot as before provided, the inspector shall enter his name upon the list together with the name of the party the ballot of which is requested, and the number of the ballot given to the voter."<sup>68</sup> The law as it now stands does not prevent a Democrat from voting in a Republican primary or vice versa, but it affords a public record of all so voting. The law makes enrollment an accompaniment of voting rather than a prerequisite and qualification for voting.

*Corrupt Practice Legislation.*—The local acts of 1901 prohibited electioneering at the polling place or within one hundred feet thereof, drinking or treating in the polling place, repeating, and the soliciting, receiving, or offering of a bribe of money, or the promise of money, place, or position in exchange for votes. With some minor changes, elaborations, and specifications these prohibitions have been repeated in all subsequent direct primary legislation. The public act of 1907 in addition made it unlawful for a state officer to circulate petitions for any one but himself or to solicit votes for any candidate for governor, lieutenant-governor, or United States senator. This act also provided that saloons should be closed on primary election days.

The act of 1909 enumerated in great detail corrupt practices in primary elections. Besides penalizing the various forms of direct and indirect bribery, repeating, treating,

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<sup>66</sup> Public Acts, 1913, No. 392.

<sup>67</sup> Detroit News, February 21, 1913.

<sup>68</sup> Public Acts, 1915, No. 313.

and electioneering in or near the polls, the law prohibited payment in any manner for "any campaign work, electioneering, [or] soliciting votes, . . . it being the intent of this clause to prohibit the prevailing practice of candidates hiring with money and promises of positions, etc., workers on primary day and prior thereto."<sup>69</sup> The law prohibited the public posting by any candidate for nomination of "any campaign card, banner, hand bill, poster, lithograph, half-tone engraving, photograph or other likeness of himself, or other advertising matter used" for the advancement of his candidacy.<sup>70</sup> The law specified that campaign cards or other advertising matter except postal cards and letters must not be larger than two and one fourth inches in width by four inches in length, and that this advertising matter should contain no likeness of the candidate larger than one and one half inches in width by two inches in height. Campaign advertising is absolutely prohibited "in or upon any magazine, program, bill of fare, ticket for any ball or other entertainment, or upon or in any other substance or publication whatsoever, except in a daily, weekly, or monthly newspaper which has been regularly and bona fide published and circulated for at least three months before such advertisement is to be inserted therein." The act provided that the type used in the body of political advertising should not be larger than that used in the editorial section of the paper, and that charges for political advertising should not be higher than for non-political.<sup>71</sup>

The corrupt practice act of 1913,<sup>72</sup> without repealing the provisions just noted, added a number of detailed regulations as to the use of money in primary campaigns. The law limits primary campaign expenses to twenty-five per cent of one year's compensation. Candidates for governor and lieutenant-governor, however, may spend a sum not to exceed fifty per cent of one year's salary. No candidate is to be restricted to an expenditure less than one hundred

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<sup>69</sup> Public Acts, 1909, No. 381.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Public Acts, 1913, No. 109.

dollars. Expenditures are permitted only for certain specified purposes.<sup>73</sup>

To aid in the enforcement of these provisions as to expenditure the law provides that, within ten days after the primary election, every candidate shall file with the county clerk of the county in which he resides a detailed statement, sworn to before a notary, setting forth each item of contribution and expenditure, the date of each receipt, the names of persons from whom money was received or to whom it was disbursed, and the objects of expenditures, together with a statement of unpaid debts and obligations. The law provides that these statements shall be open to public inspection, and that failure to file shall disqualify for the holding of the office to which the candidate has been elected and shall render him liable to criminal prosecution.

As to contributions, the law makes provision for publicity as above stated and also imposes restrictions on contributions. No one not a candidate or a member of a political committee is authorized to accept a contribution for campaign expenses. Contributions are to be given and entered in the accounts only in the name of the person by whom the contributions were actually furnished. No candidate is permitted to disburse money received from an anonymous source. Contributions from any one acting for a corporation are prohibited.

The law seeks also to prohibit the intimidation of employees by their employers. It is unlawful for employers to enclose in pay envelopes any political notices containing threats, expressed or implied, intending to influence the political opinions of the employees, and to post in any factory or place of business within ninety days of any election or primary any placards containing a threat or notice that in case a certain ticket or candidate shall be nominated or elected work will cease, the establishment be closed, or the wages reduced.

The law requires that political advertisements in newspapers shall be marked paid, and prohibits the giving or

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<sup>73</sup> See below, page 144.



receiving of payment for editorial support. Finally the law penalizes the making of false statements reflecting on a candidate's character, and prohibits the soliciting of donations from candidates by religious, charitable, or other organizations. The penalties provided by the law are adequate: a maximum fine of one thousand dollars or a maximum imprisonment of two years, or both. On the whole, the corrupt practice laws of Michigan seem now fairly complete and effective. Although the political assessment of office-holders is not expressly prohibited, the provisions in regard to bribery might be construed to prohibit such contributions.

Corrupt practice legislation is a comparatively recent development in Michigan. Prior to 1909 the provisions were few and did not reach the real evils. Appearing at the end of twelve years of experimentation with direct primaries, the detailed law of 1913 seems to show an appreciation of the inadequacy of mere machinery to produce good nominations, and also a realization of the power of those financial influences which, having perverted and discredited the convention system of nomination, seemed about to do the same with the direct primary system.

*Summary.*—Since 1900 the Michigan legislature has passed more than thirty acts, original and amendatory, having to do with direct nominations. From 1901 to 1905 the legislation was entirely local; from 1905 to 1909 it was both local and general but optional with the parties and with the localities; since 1909 it has been general and mandatory.

Legislation has been halting and half-hearted. The history of it illustrates the strength, the slowness, and the sureness of the action of well-defined public opinion, stimulated by newspapers, on a reluctant legislature which has been usually dominated, at least in respect to this legislation, by leaders who were hostile to any legislative interference with their organization activities. Among the influences which led to the formation of this public opinion none was stronger than the evidence of the selfish control

of the convention system by men of wealth and by corporations. It was not so much that the convention system worked badly; for it had long worked badly. But it now became apparently an effective instrument for an undemocratic and sinister domination, and the struggle between the forces which sought to control it developed into a public scandal. The best politicians and thinking people in general were not dissatisfied with conventions per se; but they felt that, as a means of popular expression, the convention had become incoherent and ineffectual, that it had been perverted from its true ends, and that it had become subject to influences which were antagonistic to the public welfare. It has been charged that the public demand for direct primaries was originally a newspaper demand, advanced largely through motives of self-interest. The newspapers naturally had much to do with creating public opinion on the subject, but how far they were disinterested it is impossible to say.

The movement for direct nominations started within the majority party. After the beginning of the movement, strong Democratic endorsements seem to have had slight effect on the course of events. Democratic influence in the legislature was practically nil; and in the legislature of 1905, which passed the first general law, there was not a single Democratic member. In the course of debates and newspaper discussions laws of other States were occasionally cited, and among these the Minnesota law was most frequently mentioned.

Michigan's direct primary legislation, as it now stands, is still far from finality. The most thoughtful politicians are not satisfied with it. They say that it occupies a half-way position and must either return to the old system or advance to a more simple and effective means of popular expression. In the past the various laws have been experiments; and they have been experiments undertaken by a party which as represented by its managers has not at heart believed in the principle underlying the laws. The direct primary acts have been not only experiments; they have also been

sops. This legislation has exhibited a hesitancy out of all proportion to any danger that might result from it, and some of it has revealed downright insincerity.

Not only has lawmaking been affected by the desire to save as much as possible of the old system, but the party managers, trained in the methods of the old system, have participated in the drafting of the new laws. The Republican state central committee, or chiefly its chairman and secretary, played an important, perhaps a decisive, part in the enactment of primary laws and especially the law of 1905.<sup>74</sup> In 1915 the Republican state central committee appointed a subcommittee on revision of the primary law. The report of this subcommittee was adopted in full<sup>75</sup> and presented to the legislature in the form of a petition; but, owing partly to temporary political exigencies,<sup>76</sup> it was not enacted into law. The influence of party managers on legislation has probably been greater in this field than in any other. It has been constant, active, and sometimes very direct and effective. Not always reactionary, it has been, nevertheless, generally unscientific and opportunistic.

Opportunism has marked the course of direct primary legislation. Its early defeats in the legislature were partly occasioned by factional antagonisms growing out of the personality and the policies of Governor Pingree. The forty per cent clause in the law of 1905 was probably designed to protect the machine candidate for governor in 1906. The presidential primary bill of 1912, the act for the election of state central committees in 1913, and the revision of the general law in 1915 were all influenced more or less by Republican factional fights.

The legislation shows many defects and inconsistencies. Difficult to explain are certain differences in the acts passed for Wayne and Kent counties in 1903. The Wayne act provided for a single ballot, the Kent act for separate ballots. In Kent independent candidates could be nominated; in Wayne there was no method provided for their nomination.

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<sup>74</sup> Detroit Tribune, February 17, May 29, 1903, April 6, 24, 27, 1905.

<sup>75</sup> Detroit Free Press, December 30, 1914.

<sup>76</sup> A factional fight in Detroit.



In Wayne, township officers might be nominated directly; in Kent they could not be. In the latter county the candidates selected the party committees; in the former, they did not.

The opinions rendered by the attorney-general reveal numerous shortcomings and ambiguities in the laws. For example, in the law of 1909 there was no provision for the filling of vacancies among nominees for the legislature.<sup>77</sup> In 1910, where the county commissioner of schools was elected in the fall, direct primaries applied to his office; where he was elected in the spring they did not apply.<sup>78</sup> Circuit judges are nominated in the direct primaries; supreme court judges are not. The history of direct primaries in Kent County is a record of legislative blundering. The law of 1901 applied only to the city of Grand Rapids; the law of 1903 applied to the whole county; from 1905 to 1909 there were two laws applying to the county. On account of overlapping local and general acts the city of Grand Rapids had a congressional primary on September 4, 1906, and a county primary just a week later.<sup>79</sup> Since the legislature, in the amending act of 1907, absentmindedly omitted to reenact the provision for the direct nomination of city officers, the city of Grand Rapids, which was the first to have direct primaries, had to nominate in 1908 under the old system.<sup>80</sup> At the present time, when the principle of direct nomination has been finally accepted, all state officers elected in the spring, including supreme court judges and regents of the University, all elective state administrative officers except governor and lieutenant-governor, and all township and village officers<sup>81</sup> are still nominated by the old method,—a method which is also used in its entirety for the selection of delegates to national conventions,<sup>82</sup> and in a modified form for the drafting of party platforms.

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<sup>77</sup> Report of Attorney-General, 1911, p. 193.

<sup>78</sup> Report of Attorney-General, 1911, p. 73.

<sup>79</sup> Report of Attorney-General, 1906, p. 99.

<sup>80</sup> *Ellis v. Boer*, 150 Mich. 453 (December, 1907); *Dykstra v. Holden*, 151 Mich. 293 (1908).

<sup>81</sup> Report of Attorney-General, 1910, pp. 167, 191.

<sup>82</sup> Report of Attorney-General, 1908, p. 165.

Besides the general retention of the delegate conventions of the old régime, Michigan, as a matter of party politics rather than of principle, adhered up to 1909 pretty faithfully to the doctrine that the adoption of direct nominations should be subject to local and party option. In practice the doctrine proved of little value, as the people were overwhelmingly in favor of direct nominations. The State has experimented with party enrollment, the forty per cent provision, the fifteen per cent provision, the second election, and the blanket ballot, and has either partially or wholly abandoned them; but, on the other hand, has shown little inclination to try the preferential vote.<sup>83</sup>

Throughout this legislation at least one consistent principle has been maintained: that the conduct of direct primary elections should be removed from the control of the party organizations. Yet, in legal theory, the direct primary is a party, not a public affair. Said the state supreme court in 1908: "A primary election is not an election to public office. It is merely the selection of candidates for office by the members of a political party in a manner having the form of an election."<sup>84</sup> Accordingly, when the direct primaries fail to nominate or when a vacancy occurs in the party ticket, the appropriate party committee is uniformly empowered by the primary laws to fill the vacancy. The direct primary is a method of nomination, not of election.

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<sup>83</sup> It was recommended, however, by Governor Ferris in 1913 (*House Journal*, 1913, pp. 27-29). The above discussion does not take into account recommendations and enactments during the legislative session of 1917.

<sup>84</sup> *Line v. Board of Election Canvassers*, 154 Mich. 331 (1908).

## CHAPTER IV

### THE COMMITTEE SYSTEM UNDER DIRECT PRIMARIES

The regulation of party committees has been a subordinate consideration in direct primary legislation, but legislation has affected these committees directly and indirectly.

*Ward and Township Committees.*—With the passing of most of the old committee-controlled primaries, the ward and the township committees lost much of their importance in the nominating process, and their regulation by law has been unnecessary. The only acts making provision for the selection of ward and township committees are those relating to Wayne County. The number of committeemen is still determined by party usage, but the term of office is legally fixed at two years.<sup>1</sup>

*County and City Committees.*—For the election and organization of other local committees the legislature has made greater provision and has tried various methods. The first direct primary act—that for Grand Rapids in 1901—provided that the candidates nominated for city and district offices should name the chairmen and the secretaries of their respective committees. The Kent and Muskegon acts of 1903 provided that the candidates should name the county committees and the county chairmen and that the committees should name the secretaries. The Alpena acts of 1905 and 1907 prescribed that the city and county committees and their chairmen should be elected in the direct primary, that the chairman of the city committee should be vice-chairman of the county committee, and that each committee should choose its own secretary and treasurer. The Wayne acts of 1903 and 1905 provided for the election of county and city committees. The stipulations of the

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<sup>1</sup> Public Acts, 1913, No. 91.



general act of 1909, which as amended in 1911 are still in force, are that the county committee shall be chosen by the county convention, and that the candidates for county offices shall name the chairman and the secretary of the committee.<sup>2</sup> The term of the county committeemen is legally fixed at two years. There are at present no provisions in the general laws for the election of city committees.

*District Committees.*—Up to 1909 the only legal provision for the appointment of district committees was found in the above-mentioned local acts, which in general adopted the same method for district as for county and city committees. Since 1909 these committees may be chosen in two ways: (1) they may be appointed by the candidate, or (2) in the absence of such appointment, they may be composed of the county committeemen residing in the district. In the case of districts comprising more than one county the county committeemen residing in the counties or parts of counties are empowered to choose the district committee. In practice the candidate has generally selected his committee, although his private secretary usually acts as chairman or secretary of the committee and takes charge of the campaign. In 1911 the above provisions applying to district committees were extended to judicial circuit committees.

*Functions of the Committees.*—These provisions for the naming of the local party officials are a logical result of the design and tendency of the direct primary to transfer the center of power in the party organization from the party managers to the candidates. Under the old system the convention delegates were formally and theoretically closer to the people than were the candidates, and were therefore the logical men to choose the party officials. Under the new system the candidate himself is directly commissioned by the electorate. The direct primary laws have in theory reversed the relation in local politics of the candidate and the party manager. What is true in theory, however, is only partly true in practice. In the districts the committee

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<sup>2</sup> There is no provision for filling vacancies in these offices (Report of Attorney-General, 1914, p. 745).

is largely honorary, and its officers, directly responsible to the candidate, are rather in the position of friends or employees than of managers. But this, as we have seen, was generally the case in the districts under the convention system. There has been, apparently, no great change. In the counties the situation is somewhat different, owing to the fact that there are several candidates instead of one and the county committee still has in connection with the county conventions some duties apart from campaign management.

Under the old system the county committee called conventions and primaries, attended to the preliminaries of conventions, and certified delegates to other conventions and candidates to the election commissioners. In exercising these functions the committee was doing its fundamental duty, that of keeping the party organization alive in the county. The direct primary has shorn the committee of these formal functions. The biennial resuscitation of the party is now performed by the law. Nevertheless, if candidates do not file petitions for the primary, the organization may lapse. Accordingly the committee is finding some new functions, and some old ones enlarged. We have seen that under the convention system the county committee had much to do with the slating of nominations prior to the convention. Where there are brisk contests the county committee at present has probably a diminished power over nominations; but when political conditions are apathetic and nominations are not eagerly sought, county committees have circulated petitions for candidates and, whenever and wherever the procedure has been legally possible, have in informal conferences agreed upon certain candidates to be written in on the ballots.<sup>3</sup> One Repub-

<sup>3</sup> Detroit News, July 21, 1912, August 21, 1914; Kalamazoo Gazette-Telegraph, June 29, July 27, 1916; Detroit Free Press, August 1, 1916. Delegates to county conventions are supposed to be elected in the primary. The following quotation throws light on how the "people" do it: "A mass-meeting of the Republicans of Marshall was held last evening at the office of C. C. Cortright, and delegates were selected to guide the voter in casting his ballot for delegates to the county convention, Sept. 11. . . . Only two were present from the first ward

lican county chairman informs me that in 1912 and 1914 the committee had found it difficult to induce men to run for office and "had to hustle around and file petitions for them." This has been done, however, more by Democrats than by Republicans; for where there is a good chance of election, as appeared to be the case in 1916, candidates are willing to circulate their own petitions and are sometimes embarrassingly numerous.

In strong Republican counties the Democratic committeemen have to bestir themselves and take the initiative or they are likely to have no candidates at all. In some counties both Republican and Democratic committees meet prior to the primary, pick out candidates, and circulate petitions for them. When the committee does not actually circulate petitions, it in many cases attempts to influence strong men to enter and weak ones to withdraw. The committee usually tries to arrange an equitable distribution of nominations among the different townships and cities in the county. This practice—which appears to be on the increase—of leaving the circulation of petitions to the county committee or to other party leaders and of obviating contests by conferences and understandings prior to the primary, may make the direct primary a practical nullity. It means that nominations which were formerly made in public conventions are now often made in secret conferences.

It seems to be generally agreed that the appointment of the officers of the committee by the candidates, as far as the local candidates are concerned, has worked well. On account of the number of county candidates, all of whom participate in the selection of the officers, the latter are likely to be real leaders and managers rather than subordinates and assistants, harmonizing differences among the candidates and acting as a unifying factor in the campaign. In presidential years, however, the appointment of the

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and one each from the third and fourth, but the second, as usual, was well represented, and more were present than enough to fill the ward's quota of delegates" (Moon-Journal [Battle Creek], August 24, 1916). See also *ibid.*, August 18, 23, 25, 1916.



county chairmen takes place at least six weeks too late. The county chairmen who are in office in July are disinclined to organize their counties for the presidential contest because in September new chairmen will be appointed. To supply an effective local organization the Republican party in 1916 organized a strong "Hughes-for-President" club in every county to assume the management of the campaign. In the county committees as a whole there appear to be less activity and interest than formerly. County chairmen complain that it is hard to get the committees together. The spirit of the free lance, which has infected candidates, has apparently touched the committeemen. They feel less strongly their responsibility to the organization and entertain little fear of its powers of discipline. In personnel the committees have improved, the Democratic committees especially being stronger than they were a decade ago. What is true of the State as a whole, however, does not appear to be true of Wayne County, for in that county, owing to circumstances which I shall mention later, the committees have deteriorated in personnel and influence. A prominent Detroit Republican expressed himself to me about as follows: "Candidates have no confidence in the county committee, for the committeemen are all grafters. They are there simply to get money from the candidates and put it in their own pockets."<sup>4</sup>

The new functions imposed on the county committees by the direct primary laws are of a more or less routine nature and not generally important. Such is the duty of apportioning delegates to county delegate conventions. If there is a vacancy from any cause after the selection of a candidate, or if there is no selection at the primary election, the county committee may fill the vacancy; but it may not name the candidate when there has simply been a failure to file nomination petitions.<sup>5</sup>

*The State Central Committees.*—A law providing for the

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<sup>4</sup> In fairness to the committee, however, it might be said that the man expressing the opinion was in factional opposition to the committee.

<sup>5</sup> Report of Attorney-General, 1911, p. 69.

direct election and organization of the state central committees was enacted in 1913, but on account of an opinion of the attorney-general it did not go into effect.<sup>6</sup> The legislature of 1915 enacted a law which legalized the method of selection by state conventions. The committee is to be selected at the first state convention in the odd years, and is to consist of a chairman and two members from each congressional district, the latter to be nominated by the district delegates to the state convention. The committee shall select its secretary and treasurer and fill its own vacancies.<sup>7</sup> In 1908 the Michigan Republican Editorial Association requested that it have two members at large on the Republican state central committee. The committee thereupon recommended that its membership be increased by two members to be nominated by the association and elected by the state convention, and this plan was adopted by the state convention without opposition.<sup>8</sup> The Republican state convention in 1914 voted to increase the membership of the committee by the election of two additional members at large. The two elected were from Detroit and Grand Rapids. The membership of the committee is now thirty.<sup>9</sup> In the constitution of the Democratic state committee there has been no change. It has twenty-six members.

In the Republican state committee the same men held the

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<sup>6</sup> This law (Public Acts, 1913, No. 395) provided that each political party should have a state central committee consisting of two members from each congressional district, a chairman, and a secretary. The district members should be selected in the August primary in the same manner as is provided by law for the nomination of candidates for representatives in Congress; the state central committee so chosen should elect its own chairman and secretary, and members of the committee should hold office for two years and should fill all vacancies in their number. The Republican state convention in the spring of 1913 adopted this plank: "We believe in a changed method of selecting political state central committees and national committeemen; to the end that party managers shall be brought closer to the rank and file of the party membership" (Detroit News, February 12, 1913). See above, page 68, and note.

<sup>7</sup> Public Acts, 1915, No. 231.

<sup>8</sup> Detroit Free Press, May 12, 13, 1908; Grand Rapids Herald, February 15, 1907, May 13, 1908.

<sup>9</sup> Detroit News, October 1, 1914.

offices of chairman and secretary from 1900 to 1910.<sup>10</sup> With the nomination of Osborn in 1910, his personal selection, W. F. Knox, became head of the committee, the first upper-peninsula man to act in that capacity. Paul H. King became secretary. In 1912 the Taft men controlled the state convention, and A. J. Groesbeck, a Detroit lawyer, was chosen chairman and Charles S. Pierce secretary.<sup>11</sup> In 1914 when Osborn again obtained the nomination, this time over Groesbeck himself, the latter resigned the chairmanship and was succeeded by Gilman M. Dame, Osborn's close friend and primary campaign manager, and D. E. Alward again became secretary. Without legal enactment, therefore, the tendency in the Republican party seems to have been for the candidate for governor to name either the chairman or the secretary of the state committee; and this tendency, although it existed under the convention system, has been much stronger under direct nominations.<sup>12</sup>

During the primary campaign the candidate for governor puts his interests in the hands of a manager, who improvises an organization and for several months makes a careful study of the attitude of the public and of men of influence toward his candidate. It is natural that the candidate after his nomination should wish to retain in his service a man of experience and of proved loyalty. It would seem that the party could have no serious objections to the appointment of such a man, for its first interest lies in the efficient conduct of the campaign and in the election of its candidate for governor. But objections come from those who distrust any plan which appears to make the candidate independent of the organization and therefore to weaken the

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<sup>10</sup> G. J. Diekema, chairman, and D. E. Alward, secretary.

<sup>11</sup> According to a newspaper report of the state central committee meeting in 1912, Mr. Musselman, the nominee for governor, wanted the committee to appoint his primary campaign manager, Major Loomis, secretary; but the committee, to secure harmony, selected a representative of the defeated candidate. Precedent was urged by some as an argument for the appointment of Loomis (*Detroit Free Press*, August 31, 1912).

<sup>12</sup> Under the new law the first Republican state convention in 1916 elected John D. Mangum of Marquette chairman, and reelected Alward secretary.



organization. On the other hand, as happened in 1912, when the primary campaign has engendered strong factional feeling there may be an inclination to give the defeated faction, in order to unify the party, a hand in the management of the campaign. In the Democratic party there has been no occasion for the appearance of this problem, for there have been no contests for the gubernatorial nomination. Since 1904 the minority party has had four different chairmen and one secretary.<sup>13</sup>

In 1910 the Republican state committee had a field secretary who was also manager of the speakers' bureau.<sup>14</sup> Since 1904 the membership of executive committees has varied from five to nine. Since 1904 five men have served as Republican treasurer. They have been wealthy and, except since 1914, residents of Detroit.<sup>15</sup> The Democratic treasurers have been more constant. Since 1904 there have been two, and one of these has served since 1908.<sup>16</sup>

After 1904 Detroit in appearance lost its preeminence in the officialdom of the party organizations, only one chairman since that date residing in the city; but at the present time<sup>17</sup> the two national committeemen are Detroit men and the city is apparently regaining, especially in the Democratic party, a position corresponding to its voting power. The reason for its lack of influence may be found in the fact that the gubernatorial candidate has usually named the state chairman, and since 1904 not a single Republican or Democratic candidate for governor has resided in Detroit. As to the secretary, recent Republican practice has been to select a man who has had secretarial experience at Lansing or Washington. At the same time the direct primary has made the Detroit leaders smaller figures in state politics, for they can no longer, prior to the naming of a gubernatorial

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<sup>13</sup> Chairmen: E. O. Wood, 1904-1906; John T. Winship, 1906-1908; E. C. Shields, 1908-1916; A. E. Stevenson, 1916—; A. R. Canfield, secretary, 1904—.

<sup>14</sup> *Detroit News*, October 6, 1910.

<sup>15</sup> Treasurers: Homer Warren, 1904-1906; Paul F. Bagley, 1906-1908; Charles Moore, 1908-1910; Frederick M. Alger, 1910-1914; Fred W. Green, 1914—.

<sup>16</sup> Treasurers: J. W. Flynn, 1904-1906; H. E. Thomas, 1908—.

<sup>17</sup> September 1, 1916.

candidate, trade and pull wires with a solid delegation of two hundred pawns. Moreover, practical politics in Detroit is on about the same moral plane as it was a decade ago, although outside the city it has vastly improved. It may well be that, consciously or unconsciously, the majority outside of Detroit demand managers who accord with their own standards and methods.<sup>18</sup> But it is always difficult to find the real location of party authority; and, as we shall see later, Detroiters still possess much of the substance of power.

Direct primary legislation has regulated to some extent the duties of the state central committees, in some cases recognizing and legalizing old duties.<sup>19</sup> Under the law of 1905 the state committees for the first time set the date of county conventions.<sup>20</sup> The laws have provided that the state committees should set the date and place of state conventions, but the date of the conventions and the calls for them are subject to definite time limitations.<sup>21</sup>

In the Taft-Roosevelt contest in 1912 the Republican state central committee occupied a pivotal and critical position. Mr. Knox, the chairman of the committee, was a Roosevelt man and held an office in the Chicago headquarters of the Roosevelt movement. Secretary King and the majority of the committee were for Taft. The control of the state convention depended on the seating of Taft delegates and the exclusion of Roosevelt contesting delegations. Shortly before the convention the secretary called a meeting of the committee to fix the temporary roll

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<sup>18</sup> In an interview in the summer of 1915 Mr. Charles Moore of Detroit, who managed Republican campaigns in the nineties, emphasized the difference in political methods in Detroit and in the State outside and a resulting lack of coordination in campaign management between the two regions. See also *Detroit Free Press*, February 23, 1916.

<sup>19</sup> As, for example, the apportionment of delegates among the counties.

<sup>20</sup> Public Acts, 1905, No. 181.

<sup>21</sup> For example, the state convention must be held within forty days after the primary but not less than ten days after the official state canvass, and the call for it must be issued at least thirty days prior to the first Wednesday in September.

of the convention<sup>22</sup> and to name a temporary chairman in place of a Roosevelt man whom Knox had named for that position. As a result of bitter struggles in the primaries and county conventions there were a number of contests, including one of decisive importance from Wayne County. The central committee arranged a temporary roll which admitted Taft delegates to the floor and the secretary issued tickets to these delegates, instructing the sergeant-at-arms to exclude from the hall those not having tickets. Many Roosevelt delegates and some Taft delegates were kept from the hall by the police and by national guardsmen who had been sent to the scene by Governor Osborn. The convention, an uncontrollable mob, was called to order simultaneously by Chairman Knox and Secretary King, both reading the call. When Knox's nominee for temporary chairman reached the platform a Taft man promptly knocked him down. Fist fights occurred both inside and outside the hall. Following their failure to control the temporary organization the Roosevelt men proceeded to hold a convention in the same hall, and elected a contesting delegation to the Chicago convention.<sup>23</sup> The split resulted for a time in two state committees and two chairmen, and there were threats of taking the contest to the courts; but with the organization of the Progressive party, the Taft men were left in possession of the field. Mr. Knox moved from the State, thereby vacating the chairmanship, and several Roosevelt men on the committee resigned.

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<sup>22</sup> Detroit News, April 9, 13, June 13, 1912.

<sup>23</sup> Proceedings of the Republican National Convention, 1912, pp. 138, 233, 235; Detroit News, April 11, 17, 1912. "For the first time in the history of any northern state the militia was called upon to take a hand in the running of a political convention. For the first time in Michigan, at least, policemen in full uniform and with clubs tried to maintain a semblance of order. Policemen with their clubs knocked men off the platform. . . . Within the armory where the convention was held nearly 1000 delegates fought and screamed. Not a man sat down. . . . In through the transom over the doors men tried to force their way in, only to be knocked back by sergeants-at-arms. . . . Outside nearly 500 men, in whose faces the doors had been closed, fought and yelled and sought means of gaining entrance. . . . Motions were made and carried, resolutions were adopted, yet nobody heard a word of what was said" (Grand Rapids Herald, April 12, 1912).



Now the Roosevelt men contended that the action taken by the state central committee was a violation of at least five party rules: (1) the establishment of a temporary roll was a violation of precedent; (2) the meeting of the committee had been called without ten days' notice; (3) the meeting should have been called by the chairman; (4) the chairman of the committee, and not the committee as a whole, is the director of a state convention; and (5) the central committee, according to the primary law, should have been elected at the second convention.<sup>24</sup> The Taft men on the other hand held that: (1) there were precedents for the fixing of a temporary roll; (2) the state committee had no rules as to the calling of meetings; and (3) the committee itself and not the chairman is the director of a state convention.<sup>25</sup> The contention of the Roosevelt men as to the election of the state central committee was justified; and the second Republican state convention repeated the election of its central committee and state chairman. On the whole, however, in their version of party usage the Taft men appear to have been correct.<sup>26</sup> However farcical may have been the proceedings of the committee and the organization of the convention, they had at least the merit of regularity.<sup>27</sup>

An equally interesting contest of a different nature occurred in the Democratic party after the nomination of Wilson in 1912. National Committeeman Wood and State Chairman Shields had opposed the instructing of the Michigan delegation to the national convention, and in the early balloting at Baltimore the majority of the Michigan delegates had voted for Harmon or Clark. According to report, Mr. Wood and Mr. Shields swung the Michigan delegation to Wilson in accordance with a bargain by which Mr. McCombs agreed that, in case no Democratic senators

<sup>24</sup> Detroit News, April 9, 1912.

<sup>25</sup> Ibid., April 12, 21, 1912; Proceedings of the Republican National Convention, 1912, p. 233.

<sup>26</sup> At a meeting of the Republican state committee in August, 1912, Chairman Groesbeck appointed a subcommittee on rules (Detroit Free Press, August 21, 1912).

<sup>27</sup> Files of the Detroit News, interviews, and letters.

were elected from Michigan, Mr. Wilson in the distribution of patronage would regard the national committeeman and state chairman as though they were the two senators from the State, on condition that these two would agree to be fair to all factions in the party.<sup>28</sup> After the Baltimore convention Mr. Wood and Mr. Shields retained their places at the head of the party in Michigan, and after the election there were no Democratic senators from the State. The right of the party officials to hand out "plums" was now challenged by the original Wilson men who had worked for the selection of Wilson delegates and who had been opposed by the organization. Interviews which these men secured at Washington appear to have been fruitless. Cabinet members and Governor Ferris endorsed the Baltimore agreement.<sup>29</sup> Nevertheless some of the original Wilson men organized a Progressive Democratic League and attempted in 1914 to secure control of the state organization.<sup>30</sup> To fortify itself the state central committee passed two resolutions: (1) that the secretary of the committee should prepare a roll of the convention from lists of delegates returned by county chairmen; and (2) that the state central committeemen should be authorized to preside at the district caucuses which should elect new central committeemen.<sup>31</sup> The insurrectionary movement failed to win much support, and in the state convention came to an inglorious end. The working arrangement since the inauguration of President Wilson seems to have been about as follows: Within the districts which have elected Democrats to Congress patronage has been dispensed by the congressmen, and outside of these districts the national committeeman has acted as an accredited representative of the Michigan Democracy.<sup>32</sup> It will be observed that under

<sup>28</sup> Detroit News, July 7, 10, 1912, March 6, 1913, and interviews.

<sup>29</sup> Detroit News, March 7, 18, 1913.

<sup>30</sup> Ibid., August 7, 1913.

<sup>31</sup> Ibid., September 15, 1914.

<sup>32</sup> For examples of his activity at Washington, see Detroit News, October 21, 23, 1915; Detroit Free Press, August 9, 1916. The Kalamazoo postmastership, however, was given to an original Wilson man, who was bitterly opposed by the organization.

circumstances somewhat similar to those which existed in Cleveland's second term the present administration has followed a different and it would seem a more logical method in the dispensing of patronage.<sup>33</sup>

The national committeeman continues to play a more important part in the Democratic party organization than does the state chairman. In 1908 a determined effort in the Democratic party to wrest the leadership of the organization from the Bryan men resolved itself into a contest, which was successful, to depose D. J. Campau, who had been national committeeman since 1892. He was succeeded by Mr. Wood, who after his reelection by popular vote in 1916 resigned. Judge W. F. Connolly of Detroit, the dominating spirit of the party, was chosen to succeed him.<sup>34</sup> Recent Republican national committeemen have, according to custom, been men of wealth.<sup>35</sup>

In the Republican national convention in 1912 a resolution was adopted that the national committee be authorized to fill all vacancies in its membership and to declare vacant the seat of any one not supporting the nominees.<sup>36</sup> It was stated in the course of the discussion that there had never been any provision in the Republican party for the recall of members of the national committee.<sup>37</sup> At the meeting of the Democratic national committee in January, 1912, the fact appeared that since 1908 the practice in the Democratic party has been to allow the state committees to fill vacancies on the national committee, but the national committee has power to expel a member after granting him a hearing.<sup>38</sup> The Democratic platform adopted at Baltimore advocated the primary election of national committeemen, and in accordance with the platform a bill for this

<sup>33</sup> See above, pages 28-29.

<sup>34</sup> Detroit Free Press, May 21, July 7, 1908. In the contest for national committeeman the original Wilson men were again defeated.

<sup>35</sup> John W. Blodgett, 1900-1912; Charles B. Warren, 1912——.

<sup>36</sup> Cf. G. S. P. Kleeberg, *The Formation of the Republican Party as a National Political Organization*, p. 199.

<sup>37</sup> Proceedings of the Republican National Convention, 1912, pp. 337-443.

<sup>38</sup> Proceedings of the Democratic National Convention, 1912, pp. 439-445.



purpose was introduced into the Michigan legislature by a Democratic member at the request of Mr. Wood.<sup>39</sup> The bill as passed, makes no provision for the filling of vacancies. It simply provides that the candidate for national committeeman receiving the highest number of votes in the primary "shall be declared to be the candidate and the choice of such political party for the office of national committeeman."<sup>40</sup>

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<sup>39</sup> Letter from Mr. Wood, November 10, 1915.

<sup>40</sup> Public Acts, 1913, No. 392; Public Acts, 1915, No. 151. The Democratic primary contest for national committeeman in 1916 aroused extraordinary interest.

## CHAPTER V

### DIRECT NOMINATIONS IN OPERATION

Michigan has now had direct nominations for fifteen years, a period of experimentation too short for the establishment of confident conclusions. The politicians who have been framing and applying direct primary laws and conducting party activities under these laws have been men trained in the old methods of nomination, and are in many cases not only unused but hostile to the new order. The biennial agitation of the nomination question, moreover, and the consequent amending of the laws have had the effect that constant tinkering produces on machinery. These circumstances have probably discouraged the participation of many people in the primaries, and they have certainly colored our sources of information. The difficulty arises also of distinguishing effects produced by details of a law from the effects produced by the whole law. Are certain results produced by the general principle or by the particular method of applying the general principle? Moreover, to increase the difficulty still more, phenomena which appear in the operation of direct nominations and are apparently to be attributed to them may with equal logic be ascribed to local or temporary conditions, to personalities, to issues, or to parallel and related tendencies. In the light of these difficulties a study of direct nominations in operation must of necessity be unsatisfactory as to data and tentative as to conclusions.

*Conditions at the Polls.*—Governmental control of the primaries resulted immediately in an improved political atmosphere of the polling place. From the first there has been a conspicuous absence of electioneering, ward heelers,

and "strong-arm" methods.<sup>1</sup> Money may have been used, but not so effectively as under the old system.<sup>2</sup>

*The Prenomination Campaign.*—The prenomination campaign has become more personal, more direct, and more educative, resembling in many respects the regular electoral canvass. Under the old system of nomination, when county conventions were held on different days, skilled managers went from county to county pulling wires in the interests of particular candidates; but the provision of the direct primary law requiring all county conventions of the same party to be held on the same day has done away with this practice. Another provision has made illegal the hiring of personal workers. Candidates as far as possible appeal directly to the voters rather than to the party leaders and party workers. Now, as formerly, the candidates make use of headquarters, political managers and secretaries, literary bureaus, publicity agents, county managers, clubs, and local committees.<sup>3</sup> In 1910 the Republican candidates for governor and United States senator began to furnish plate matter to the newspapers ten months before the primary.<sup>4</sup> Mr. Osborn's manager stated in that year that his chief had a complete working force in every county except three, and that at headquarters five stenographers were busy during the campaign.<sup>5</sup> The candidate for governor or senator must conduct a long and strenuous speaking tour and do most of the speaking himself. In 1910 the primary campaign of the successful Republican candidate for governor lasted for eight months, and during this time, according to a newspaper report, he delivered eight hundred speeches and travelled sixteen thousand miles, most of the distance by automobile.<sup>6</sup> County and district candidates aim to

<sup>1</sup> Grand Rapids Herald, March 6, 1901, March 19, 1903. John Patton said in the Republican state judicial convention in 1903: "Where we have tried the new primary, our caucuses are as orderly as a prayer-meeting" (Detroit Tribune, March 7, 1903).

<sup>2</sup> Butterfield, p. 20.

<sup>3</sup> Detroit News, April 25, May 18, 31, June 1, 14, July 7, 13, 15, 19, August 16, 22, 23, 29, October 11, 1910, August 16, 1912.

<sup>4</sup> Grand Rapids Herald, September 18, 1910.

<sup>5</sup> Detroit News, October 11, 1910.

<sup>6</sup> Detroit Free Press, September 5, 1910.



get into personal relations with the voters, and in doing so make a considerable expenditure of time and money, an expenditure which was generally unnecessary under the convention system. Preprimary campaigns, of course, take place only in the event of a contested nomination, and occur, therefore, mainly in the Republican party. Accordingly the physical burden which they impose rests more heavily on the candidate in the majority than in the minority party.

*Expenses of the Primary Campaign.*—That the financial burden imposed on the candidate is greater under the direct primary is a complaint frequently expressed but apparently with only partial justification. One of the objections to the convention system was that under it a poor man could not get a nomination.<sup>7</sup> Although it was reported that Republican governors in the early nineties secured nomination at an expense not exceeding \$1000 or \$2000,<sup>8</sup> an experienced politician in 1896 estimated that a campaign for a nomination, presumably for the office of governor, would cost approximately \$40,000,<sup>9</sup> and the amount spent by each of the Republican candidates in 1900 and 1902 has been commonly estimated at not less than \$100,000.<sup>10</sup> Under the new system there have been several sources of expense that were more or less unknown under the old; for example, fees,<sup>11</sup> petitions,<sup>12</sup> advertising, halls, and automobiles. On the other hand secret expenditures were much greater in the old days, taking the form of payment

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<sup>7</sup> See above, page 53.

<sup>8</sup> Detroit News, May 14, 1912. But suggestions were made in 1894 that it would take from \$25,000 to \$50,000 (Detroit Free Press, April 19, July 10, 1894).

<sup>9</sup> Detroit Tribune, January 20, 1896.

<sup>10</sup> See above, pages 39, 53.

<sup>11</sup> The fee system, however, was never introduced into the general laws. It proved objectionable in Kent County, especially to the candidates in the minority party, and the provision regarding it was held void by the supreme court.

<sup>12</sup> For circulating petitions candidates pay from three to five cents a name (Grand Rapids Herald, September 18, 1910; Detroit News, April 25, 1910).

for entertainment,<sup>13</sup> for personal workers, and for direct bribery.<sup>14</sup>

Up to 1914, figures of expenditure in the direct primary are as unofficial and inaccurate as those for the convention system. In the first state primary campaign in 1906 there were no contests in either party; but the Republican gubernatorial contests of 1908 and 1910 were extremely close, and probably more expensive than any that have followed.<sup>15</sup> Governor Warner, one of the candidates in 1908, had already declared in a message to the legislature that the direct primary was too expensive both to the candidate and to the public.<sup>16</sup> In 1910 one of the Republican candidates for governor was said to have spent a little over \$10,000.<sup>17</sup> A writer for the *Grand Rapids Herald*, however, estimated that each of the three candidates for governor must have spent about \$90,000.<sup>18</sup> The actual expenditure was probably somewhere between these figures. In 1912 one of the Republican candidates attempted unsuccessfully to get an agreement with the other to limit the use of money in the primary campaign to \$5000,<sup>19</sup> and the natural inference is that more than that amount was spent in the campaign.

The corrupt practice act passed in 1913<sup>20</sup> limits the nomination expenses of candidates and requires the filing of sworn financial statements. The law prohibits expenditure in excess of twenty-five per cent of one year's compensation or salary, but provides that candidates for governor and lieutenant-governor may spend fifty per cent. The law requires the filing of statements within ten days

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<sup>13</sup> "It's this going around from one bar to another and treating that costs," said a Detroit alderman in 1896 (*Detroit Tribune*, January 20, 1896). A Detroit politician said in an interview in 1898 that the first step in electing a man was to get the endorsement of the ward workers in a saloon meeting. "I make my candidate walk through the ward every night, distributing beer checks to the boys" (*ibid.*, October 23, 1898).

<sup>14</sup> See above, page 53.

<sup>15</sup> *Detroit Free Press*, August 19, 1907.

<sup>16</sup> *Ibid.*, January 4, 1907.

<sup>17</sup> *Detroit News*, April 19, 1912.

<sup>18</sup> *Grand Rapids Herald*, September 18, 1910.

<sup>19</sup> *Detroit News*, May 14, 1912.

<sup>20</sup> Public Acts, 1913, No. 109. See above, page 70ff.

after the primary. A congressman expressed the opinion that the limit for congressional candidates, \$5000, is too low. If he is correct, \$2500 is assuredly too small an amount for a gubernatorial candidate who has to address a body of voters thirteen times as large; for merely to mail one postal card to each of the 221,688 Republicans<sup>21</sup> who voted in 1914 would cost \$2216.88<sup>22</sup>

In general in the counties which have come particularly under my observation<sup>23</sup> candidates appear to have filed statements according to the law, but in many cases the statements themselves are incomplete or false. They appear to be most accurate in the rural counties and least reliable in the large cities. They are highly instructive; but unfortunately the law has prescribed no uniform scheme of itemization. In the primary campaign of 1914 the three leading Republican candidates spent the following amounts: Mr. Martindale, \$2425;<sup>24</sup> Mr. Groesbeck, \$2135.07;<sup>25</sup> and Mr. Osborn, the successful candidate, \$1822.46.<sup>26</sup> As the governor's salary is \$5000, only one amount was near the legal limit. For the Democratic nomination Governor Ferris had no opposition; therefore the whole expense borne by the committee self-appointed to secure his renomination was for the circulation of petitions, which cost \$102.50.<sup>27</sup>

In the congressional primary in the first district, which is the southern half of the city of Detroit, the expenditures of the six Republican candidates were as follows: \$161.36; \$651.89; \$161; \$211.35; \$1141.96; \$288.04. The Democratic candidate, who was unopposed, spent nothing.<sup>28</sup> The statements filed with the clerk of the House of Representatives

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<sup>21</sup> According to the vote for secretary of state.

<sup>22</sup> One of the Republican candidates in 1912 said in a newspaper interview that he had tried to reach every registered voter with printed matter (Detroit News, July 18, 1912). In 1916 one of the Republican candidates charged that some of his opponents were spending \$25,000 instead of \$2500 (Detroit Free Press, August 3, 1916).

<sup>23</sup> Wayne, Washtenaw, Livingston, Ingham, Jackson, Calhoun, Kalamazoo, Kent, and Ionia.

<sup>24</sup> Statement in office of Wayne County clerk.

<sup>25</sup> Statement in office of Wayne County clerk.

<sup>26</sup> Statement in office of Chippewa County clerk.

<sup>27</sup> Statement in office of Ingham County clerk.

<sup>28</sup> Statements in the office of the clerk of the House of Representatives.



show that the primary expenditure of congressional candidates was considerably larger in 1914 than in 1912, partly on account of the larger number of contested nominations in 1914. The average expense of Republican aspirants in 1912 was \$287.69, in 1914, \$404.77. Those Republicans who had to fight for places on the ticket disbursed in 1912 an average of \$417.16, in 1914, \$559.87. The successful candidates spent considerably more than the unsuccessful. Compared with their opponents the Democrats, even in contested districts, spent little. No candidate in either year approached the limit of expenditure, which for congressional candidates is \$5000.<sup>29</sup>

In studying the expenses of county candidates we have the advantage of possessing data from various counties, although unfortunately for only one campaign, that of 1914. The relation of primary expenditure to party strength is well illustrated by a comparison of Ingham and Washtenaw

<sup>29</sup> U. S. Stat. L., v. 37, p. 28. The statements filed with the clerk of the House show the following expenditures of congressional candidates in Michigan in the primary contests of 1912 and 1914:

	1912 <sup>a</sup>	1914
Total expenses of all candidates.....	\$6618.71	\$12004.02
Total expenses of all Rep. candidates.....	6041.66	10119.29
Total expenses of all Dem. candidates.....	577.05	1884.73
Average expenses of all candidates.....	178.88	255.40
Average expenses of Rep. candidates.....	287.69	404.77
Average expenses of Dem. candidates.....	36.06	85.67
Number of Rep. contests.....	5.00	6.00
Number of Dem. contests.....	2.00	6.00
Number of districts with no contests.....	6.00	3.00
Average expenses of uncontested candidates.....	50.99	58.23 <sup>b</sup>
Average expenses of contested candidates.....	313.88	360.92
Average expenses of Rep. contested candidates...	417.16	559.87
Average expenses of Dem. contested candidates...	105.55	73.40
Average expenses of successful Rep. candidates in contested districts.....	543.08	730.10
Average expenses of successful Dem. candidates in contested districts.....	65.30	90.48 <sup>c</sup>

<sup>a</sup> No statements were filed by candidates in three districts and in the State at large. Presumably there were no contests and no expenses in these districts and in the State at large.

<sup>b</sup> The average was greatly raised by an uncontested Democrat in the thirteenth district who for some reason spent \$700.

<sup>c</sup> Omitting the ninth district, in which there were two candidates, one spending \$30 and the other nothing. I do not know which was nominated in the primary.

counties, counties which may be considered typical normal counties of the lower peninsula, being neither predominantly urban nor predominantly rural. They are nearly equal in population and in the salaries of their county officers; but Ingham is strongly Republican, and in Washtenaw the Democrats have a fighting chance. Although the total expenditures for the principal county offices were almost exactly the same in the two counties, in Ingham County, where there were Republican contests, the Republican candidates spent 93 per cent of the total; in Washtenaw County, where there were contests in both parties, the Republicans spent only 45 per cent of the total.<sup>30</sup> In Wayne and Kent counties the expenses of individual candidates for county offices run high. In 1914 a candidate for county clerk in Wayne County spent \$1834.86.<sup>31</sup>

Although data for the primary campaigns before 1914 are lacking, it appears that irrespective of legal limitations

<sup>30</sup> The following table shows the expenditures in primaries for five county offices in Ingham and Washtenaw counties in 1914:<sup>a</sup>

Office	Ingham		Washtenaw	
	Rep.	Dem.	Rep.	Dem.
Sheriff.....	\$ 113.00 78.08 186.30 46.35 3.70		\$112.92 116.79 111.40 142.76	\$ 66.49 207.72 102.95 109.62 93.70
Prosecuting attorney...	39.00 118.91	8.80		
County clerk.....	87.40 96.38 108.15 56.20 59.42 21.75	39.01 16.43		
Register of deeds.....				
County treasurer.....	\$1014.64	\$ 64.24 1014.64	\$483.87	\$580.48 483.87
Total.....		\$1078.88		\$1064.35

<sup>a</sup> Statements in county clerks' offices, Ingham and Washtenaw counties.

<sup>31</sup> Statement in office of Wayne County clerk.

there has been a tendency for expenditures to decrease. A politician states that at the first primary election in his county, that of 1906, he won the Republican nomination against four opponents with an expenditure of \$1700, \$400 for postage alone,<sup>32</sup> but in 1914 in the same county the largest amount spent by any of five candidates for sheriff, the most attractive office, was \$129.<sup>33</sup> The opinion of this politician is that expenses tend to grow less as the methods and the necessities of primary campaigning become better known.

In general, as we have seen, expenditure depends in the first place on the existence of a contest; and, in case of a contest, it bears some relation to the salary of the office sought, and is limited by the wealth of the candidate, by his willingness to spend, and finally by the law and its enforcement. There is a great diversity of opinion with regard to the comparative financial burdens of the convention and the direct nomination system; but the available data indicate that the direct primary is less expensive for state candidates and probably more expensive for county candidates, expenditure for all candidates tending, however, to decrease.

A skillful chairman of the Wayne County Republican committee estimated in 1896 that out of a total expenditure of about \$40,000, a candidate, presumably for the office for governor, would spend \$5000 for a political manager, \$10,000 for paid agents, \$2000 for local workers, and \$5000 for advertising.<sup>34</sup> In the primary campaign of 1914 Mr. Martindale and Mr. Groesbeck, Detroit candidates for governor, each devoted almost one half of his outlay to advertising,<sup>35</sup> and in general candidates are spending now

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<sup>32</sup> "I toured every township in the county four times, paying ten dollars a day for a rig, and my opponents did the same. After my nomination the board of supervisors cut the compensation of the office from fees amounting to about \$4000.00 a year to a salary of \$1500.00."

<sup>33</sup> Statement, Calhoun County. In 1914 the nomination for clerk was not contested.

<sup>34</sup> Detroit Tribune, January 20, 1896.

<sup>35</sup> Statements, Wayne County.



much more relatively for printing and advertising and, if they observe the law, nothing for personal workers. In the statements filed by county candidates the contrast between the old and the new becomes still more striking. Their principal disbursements are for newspaper advertising, cuts, and cards, with an occasional payment for automobile hire, printing, postage, and travelling expenses. In the almost total absence of prosecutions for violations of the corrupt practice act it is difficult to make a statement as to the prevalence or the character of expenditures for objects prohibited by law. It is doubtful if city candidates observe very scrupulously the prohibition as to treating,<sup>36</sup> and it is charged also that candidates still employ paid workers.<sup>37</sup>

*Petitions.*—The filing of petitions for places on the primary ballot, although an improvement over the fee system, has not proved a satisfactory method of securing and exhibiting popular endorsement, many considering it a worse than useless form. Men who circulate petitions are paid three, four, or five cents a name. Under the circumstances the petitions contain many duplications and the names of those who are not registered voters. The enrollment feature in force until 1913 caused special inconvenience in the circulation and filing of petitions. Experience showed that in the cities about fifty per cent of the names had to be struck off as not being the names of enrolled voters; in rural districts, about seventy-five per cent of the names on petitions were good.<sup>38</sup> A Republican county chairman charges that the Democratic leaders in his county call voters up over the telephone and ask them if they will sign petitions; when a reply is favorable, the leaders simply write down the name. Arrests have been made in Detroit for forging names on nomination petitions.

*The Vote in the Primary.*—The belief that the direct

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<sup>36</sup> It has been suggested that the spread of local option prohibition tends to make campaign expenses less on account of the impossibility of treating in dry counties. The anti-treating provisions in the corrupt practice law were welcomed by most candidates.

<sup>37</sup> See above, page 94.

<sup>38</sup> Detroit News, July 9, 1912.

primary would evoke popular interest and lead to a more general participation in the making of nominations was an influential factor in the establishment of the system. It is the opinion of some that the direct primary has reduced the vote in the general election. If the convention system encouraged and the direct primary system discourages voting in the election, the primary and election returns under the two systems do not afford an equitable basis of comparison. There are some reasons for thinking that the direct primary does affect participation in elections. At this point, however, it appears justifiable to disregard these considerations and also the large number who, although qualified by age, residence, and registration, do not go to the polls.<sup>39</sup> Perhaps logically the stay-at-homes should be

REPUBLICAN PRIMARY VOTE IN PERCENTAGES<sup>40</sup>

	1908	1910	1912	1914
The State.....	61	86	90	93
Seven counties with most foreign-born and illiterates <sup>41</sup> .....	64	120	134	109
Seven counties with fewest foreign-born and illiterates <sup>42</sup> .....	54	69	51	46
Seven counties most predominantly rural <sup>43</sup> .....	68	80	90	60
Wayne County <sup>44</sup> .....	47	81	82	150
Kent County.....	73	108	76	105
Detroit: First, second, and seventeenth wards <sup>45</sup> .....	45	86	76	146
Detroit: fifth, seventh, ninth, and eleventh wards <sup>46</sup> .....	48	100	83	202
Seven controlled precincts <sup>47</sup> .....	48	88	77	156

<sup>39</sup> See below, pages 166-168.

<sup>40</sup> Based on the party vote for secretary of state in the succeeding November election. I am disregarding the vote for 1906 because in that year there was no contest in either party.

<sup>41</sup> Alger, Baraga, Cheboygan, Iron, Mackinac, Presque Isle, and Schoolcraft.

<sup>42</sup> Calhoun, Hillsdale, Ionia, Lenawee, Livingston, St. Joseph, and Washtenaw.

<sup>43</sup> Barry, Clinton, Hillsdale, Lapeer, Livingston, Montcalm, and Van Buren.

<sup>44</sup> Wayne County contains the city of Detroit; Kent County, the city of Grand Rapids.

<sup>45</sup> These are the highest class residence wards.

<sup>46</sup> These wards contain the highest percentage of foreign-born voters and are conceded to be the worst wards in the city.

<sup>47</sup> In these precincts the saloon vote is the largest.

## DEMOCRATIC PRIMARY VOTE IN PERCENTAGES

	1908	1910	1912	1914
The State.....	6	16	25	19
Seven counties with most foreign-born and illiterates.....	11	18	27	16
Seven counties with fewest foreign-born and illiterates.....	6	17	25	33
Seven counties most predominantly rural ..	8	15	27	18
Wayne County.....	7	27	33	22
Kent County.....	9	12	18	19
Detroit: First, second, and seventeenth wards.....	6	22	27	20
Detroit: Fifth, seventh, ninth, and eleventh wards.....	9	43	49	44
Seven controlled precincts.....	5	20	22	12

counted in the party membership, but they are passive rather than active members. It simplifies the problem to consider as party members only those who vote, for instance, in the general election for the party candidate for secretary of state.

In the local direct primaries prior to 1906 the vote was satisfactory. An able politician estimated the vote at the first direct primary in Detroit in 1903 to be from one hundred to two hundred per cent greater than the vote at the corresponding primaries under the old system.<sup>48</sup> In Grand Rapids the total primary vote showed an increase from 3921 in 1901 to 7668 in 1902 and 8213 in 1903.<sup>49</sup>

It will be observed in the tables given above that the Republican vote has increased from sixty-one per cent of the party membership in 1908 to ninety-three per cent in 1914, and that the Democratic vote, unstimulated by contests, reached twenty-five per cent in 1912, relapsing to nineteen in 1914. In the seven counties containing the largest number of foreign-born and illiterate voters the Republican vote has been far above the percentage for the State, in the last three primaries exceeding the party membership; in the seven counties containing the fewest foreign-born and illiterate voters the percentage has been considerably below

<sup>48</sup> Simons, p. 138.

<sup>49</sup> The following table shows the Republican vote in local direct primaries for certain localities:<sup>a</sup>



that for the State. In the urban counties the vote has generally been heavier than in the rural. In Detroit the vote in the four wards conceded to be the worst in the city has always been markedly heavier than that in the best wards, and in 1914 the Republican vote in the worst wards was over twice the party membership. The light Democratic vote has been much more uniform than the heavy Republican vote. Popular participation, therefore, has in both parties been more general than in the primaries of the old order; but unfortunately the voting in the majority party is quantitatively best where the electorate appears to be qualitatively worst. A comparison of the total primary vote with the total election vote shows that the

Locality	Date	Nomination for	Primary Vote	Vote in Election
Grand Rapids.....	1901	City clerk	2115	7564
Grand Rapids.....	1903	City clerk	6964	7458
Grand Rapids.....	1902	State senator	2428	6805
Wayne County.....	1903	County auditor	13748	15461
Wayne County.....	1908	County clerk	56767	49213
Fifth district.....	1907	Congressman		
Grand Rapids.....	.....	.....	9207	3903
Kent township.....	.....	.....	3635	1845
Ionia County.....	.....	.....	2812	2041
Ottawa County.....	.....	.....	4810	4098
Grand Rapids.....	1907	City clerk	10552	8087
Detroit.....	1908	Mayor	55114	34929
Grand Rapids.....	1910	Mayor	8165	7665
Grand Rapids.....	1905	City treasurer	7972	7593
Wayne County.....	1904	Sheriff	50496	36650
Kent County.....	1904	Sheriff	13613	17013
Grand Rapids.....	1904	Mayor	7134	6158
Detroit.....	1904	Mayor	45045	35212
Wayne County.....	1904	Prosecuting attorney	46719	45575
Wayne County.....	1905	Sheriff	34568	22071
Grand Rapids.....	1901	City clerk	1737	4967
Grand Rapids.....	1903	City clerk	1317	4832
Wayne County.....	1903	County auditor	3641	14291
Grand Rapids.....	1905	Judge	1212	4532
Wayne County.....	1905	Sheriff	7100	33110
Grand Rapids.....	1910	Mayor	1428	6674

\* Grand Rapids Herald, March 6, 1901, October 15, 1902, March 20, 1903, March 16, September 15, 1904, March 16, 1905; Detroit Tribune, March 18, 1903, October 21, 1904, January 19, March 8, 1905; Grand Rapids Herald, March 14, 1906, March 13, 1907, September 2, 1908; Detroit Free Press, October 7, 1908.

primary vote for the State has averaged since 1906 less than half the election vote.<sup>50</sup>

In 1912 the combined Republican and Progressive vote in the primary was forty-nine per cent of their combined vote in the election. The Progressives, however, had no contest in the primary. On the whole it seems fair to suppose that if there had been no Republican split in 1912 the Republicans would have cast in the primary more than forty-nine per cent of their election vote but considerably less than the eighty-six per cent of 1910. In other words the real Republican primary vote as compared with the party membership was less in 1912 than in 1910 or 1914, but the Democratic vote was larger in 1912 than in 1910 or 1914. Many explanations may be offered for these reciprocal fluctuations, but one reason is found in legislative attempts to curb Democratic participation in Republican primaries, —an admitted evil and a most difficult and persistent problem. To reduce this evil to a minimum the legislature had provided for party enrollment, but the closed primary made interparty incursions more difficult without completely preventing them. Enrollment frauds were now added to registration frauds. Thus in 1912 in the first precinct of the first ward in Detroit one hundred and forty-six men were enrolled at three addresses with no sleeping quarters at any of them; and in wards which were strongly Democratic more Republicans were enrolled than Democrats.<sup>51</sup> In the whole city of Detroit, which at that time had a Democratic mayor, there were 11,584 enrolled Democrats

<sup>50</sup> The following table gives the total primary vote compared with the total election vote in percentages:

	1908	1910	1912	1914
Foreign-born and illiterate counties . . . . .	50	86	60	71
Native-born and literate counties . . . . .	29	44	27	36
Rural counties . . . . .	44	53	41	41
Wayne . . . . .	32	58	44	76
Kent . . . . .	44	63	32	62
State . . . . .	39	56	40	55

<sup>51</sup> Detroit News, August 23, 1912.

and 46,676 enrolled Republicans.<sup>52</sup> The Republican enrollment in Kent County in 1906 was 13,273, the party vote in that year being 10,638. Likewise in 1910 the enrollment in the upper peninsula was suspiciously large.<sup>53</sup> On the other hand failure to enroll in some cases prevented voters from participating in the primaries, and in other cases the act of enrollment seems to have exhausted the voter's stock of party interest.

Where Democrats had sufficient individual foresight or where they were controlled by skilled manipulators they enrolled as Republicans and voted in the Republican primaries. To encourage them to vote in their own primaries the legislature in 1911 amended the law so as to require of each party as a condition precedent to a place on the official ballot a vote in the primary equal to at least fifteen per cent of its membership. The increase in the primary vote of the Democrats in 1912 and the decrease in the vote of their opponents is suggestive of the extent to which the minority party had interfered in the internal affairs of its opponent. The provision, however, was unpopular with Democrats, and enrollment was unpopular with the voters of both parties. Both provisions were repealed in 1913.

The motives which inspire men to partisan intermeddling are not always calculated and evil. Where they have had no contests the Democrats have never had, except in 1912, any reason for voting in their own primaries. The newspapers magnify Republican contests until they appear to be much more than merely party fights. When a Republican nomination is practically equivalent to election, as it was in the State and in many counties before 1912, it is not surprising that Democrats should desire to participate in making the nomination.<sup>54</sup> The effect of contests on inter-

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<sup>52</sup> Detroit News, August 3, 1912; Detroit Free Press, August 26, 1912.

<sup>53</sup> It was 58,135 (Detroit News, August 15, 1910).

<sup>54</sup> "There is no question but that hundreds of Democrats voted as Republicans, in order to nominate one man and defeat another. It is stated, and authentically we believe, that in a neighboring town more Republican votes were cast for a certain 'native son' than the community could ever assemble on election day. The explanation was easy; scarcely a man in town voted as a Democrat, the colors under which he



party interference is suggested by a comparison of the primary vote in Ingham and Washtenaw counties.<sup>55</sup> Ingham, it will be recalled, is a Republican county, Washtenaw a doubtful county. The returns show that in the campaigns of 1910, 1912, and 1914 the Democratic vote was much larger in Washtenaw than in Ingham, and that the Republican vote in the same campaigns, with the exception of 1912, was considerably larger in Ingham than in Washtenaw. The divergence in the two counties may be explained without reference to interparty interference. But that there are in counties like Ingham many Democrats who vote in the Republican primaries is well known, and the extent of Democratic interference is suggested by the percentages. In 1912 the Republican vote decreased in Ingham County twenty-four per cent and in Washtenaw County fourteen per cent, and the Democratic vote increased in Ingham County eight per cent and in Washtenaw County five per cent. This is about what we should expect if more Democrats had been voting as Republicans in Ingham than in Washtenaw. The effect of the repeal of the fifteen per cent and enrollment provisions was to encourage again Democratic participation in Republican primaries. Accordingly in Ingham County the Republican vote increased thirty-six per cent in 1914 and the Democratic vote decreased five per cent; in Washtenaw County the Repub-

will fly next November. In other communities Republicans voted as Democrats to help nominate personal friends. In still other instances . . . voters absolutely refused to go to the primaries because they would not make a declaration of their partisanship" (Moon-Journal [Battle Creek], August 31, 1916).

<sup>55</sup> The following table gives in percentages the primary vote as compared with the party membership in two counties:

	Ingham		Washtenaw	
	Rep.	Dem.	Rep.	Dem.
1906.....	18	12	26	14
1908.....	36	10	53	4
1910.....	66	12	57	25
1912.....	42	20	43	30
1914.....	78	15	47	43

lican vote increased only four per cent and the Democratic vote actually increased thirteen per cent.

On referring again to the table of Republican primary votes on page 100 it will be noted that several counties have cast more votes in the primary than they have in the election.<sup>56</sup> Ordinarily this condition creates a suspicion of Democratic participation; but in 1912 it was caused rather by defection in the election than by an abnormally large vote in the primary. Kent County in 1910 and 1914 had a favorite son who aspired to the governorship, and to whose nomination local pride contributed a vote which considerably exceeded the party membership. Chippewa County paid the same compliment even more fulsomely to its favorite son, Mr. Osborn.<sup>57</sup>

In 1914 the situation in Wayne County was somewhat more complicated. In that county there were two rival favorite sons. Moreover in many Detroit precincts there has been a deliberate, systematic, and thorough control of the vote, under central direction. Rivalry between the Detroit candidates, together with local pride and self-interest, combined to call out an exceptional vote. But neither of the Detroit candidates won the nomination. The successful candidate, Mr. Osborn, had supported Roosevelt in 1912; and accordingly in 1914 the regular Republican leaders in Detroit quietly swung their vote to the Democratic candidate, who was elected. The primary vote for governor in Wayne County was 47,334; the vote for Osborn in the election was only 21,483. The situation in Detroit appears most clearly in the two most notorious of the controlled precincts. In Billy Boushaw's precinct, the first precinct of the first ward, the primary vote for governor was: Republican, 265, Democratic, 12; the election vote was: Republican, 1, Democratic, 259. In Frank Hibbler's

<sup>56</sup> The same occurred in local direct primaries. See note 49 above.

<sup>57</sup> The following table shows the Republican primary vote and the Republican party membership in Chippewa County in 1910 and 1914:

Year	Republican Primary Vote	Republican Party Membership
1910.....	2740	2329
1914.....	2913	2257

precinct, the first of the second ward, the primary vote was: Republican, 166, Democratic, 2; the election vote was: Republican, 38, Democratic, 147. Both of these precincts gave heavy majorities to the Republican county candidates. In Boushaw's precinct practically all of the two hundred and sixty odd voters not only split their tickets in the election but voted differently in the election and in the primary. What appears at first sight as the independence which we associate with the breaking of partisan ties and the splitting of tickets is in reality the antithesis of independence.<sup>58</sup>

Democratic participation in Republican primaries varies according to circumstances, occurring in all counties which are strongly Republican and reaching its maximum in the controlled precincts of Detroit. Party enrollment was not completely effective in reducing it. The fifteen per cent provision in the year in which it was in effect seems to have produced the expected results by increasing the Democratic vote and reducing the Republican. In the absolutely open primary of 1914 Democratic participation was greater than in any previous primary and was responsible for the nomination of a minority candidate unpopular in his own party. The provisions for partial enrollment enacted in 1915 did not eliminate this evil,<sup>59</sup> and party interference is probably greater than under the convention system.

*Nominations and Nominees.*—A nominating system deals with human not mathematical factors, and the true test of the machinery is found in the character of its product, the nominee. The fundamental questions appear to be: Are nominations under the direct primary the expression of the public opinion of the party? Are they popular? Is the direct primary an efficient machine for the expression of the popular will, and can the machine be manipulated? Two methods of manipulation have been used in Michigan: participation by Democrats in Republican primaries, and the putting up of dummy candidates to divide the vote of the majority. The first method of manipulation, the pur-

<sup>58</sup> See below, page 159ff.

<sup>59</sup> Detroit Free Press, July 30, 1916. See above, page 104, note 54.



pose of which is to nominate favorite sons or weak or unpopular candidates in the Republican party, has been discussed, and will again be referred to. In Detroit it has been systematically and effectively used.

How far the multiplying of candidates is deliberately planned to divide the vote of the majority and how many candidates are dummy candidates is problematical. Minority nominations, however brought about, are contrary to the fundamental principle of the primary and constitute a practical danger. When there have been only two candidates the system has lacked decisiveness; but when there have been more than two candidates minority nominations seem to be the general result. In an early direct primary for mayor of Grand Rapids in 1904 the winning Republican received 2483 votes out of 7134.<sup>60</sup> In the Wayne County primary in 1905 the successful Republican candidate for sheriff polled only 18,513 votes out of 50,496.<sup>61</sup> In the nomination of Grand Rapids city officers in March, 1907, all but two of the Republican nominees were minority candidates.<sup>62</sup> In the Republican direct primary for governor in 1908 the vote was as follows: Warner, 87,710; Bradley, 86,440; Earle, 26,752. Two years later the successful candidate in the Republican gubernatorial primary polled 88,270 votes out of 191,328. In the first district congressional primary in Detroit in 1914 there were six Republican candidates, and the nominee received only 4958 votes out of a total of 20,036. In the Republican primary for governor in the same year there were five candidates; and out of a total vote of 202,175 a vote of 58,405 sufficed to nominate.<sup>63</sup>

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<sup>60</sup> Grand Rapids Herald, March 16, 1905.

<sup>61</sup> Detroit Tribune, January 19, 1905.

<sup>62</sup> Grand Rapids Herald, March 13, 1907.

<sup>63</sup> See also *ibid.*, October 15, 1902. "Gov. Ferris is watching the candidacy of Washington Gardner of Albion. He admits it, and, like other Democrats here, avers that there is a deep-laid plot among the Republicans to get enough 'dry' candidates in early to try to persuade Lieut.-Gov. Luren D. Dickinson, of Charlotte, that he should not run, for the reason that the 'dry' vote will be cut up to such an extent that Mr. Dickinson cannot possibly win" (Detroit News, December 2,

In support of their contention that the function of nomination should be a delegated one, politicians point to the results when no petitions have been filed and the voter is required to write in the name of his choice on the ballot. Thus in 1906, with no candidates for lieutenant-governor, the Democrats voted for 224 different men for the nomination, for 113 in Wayne County alone.<sup>64</sup> In 1910 the Democrats voted for 312 different persons for lieutenant-governor.<sup>65</sup> In the primary of that year Charles E. Townsend was nominated by the Republicans for the United States Senate and by the Prohibitionists for the state Senate.<sup>66</sup> The selection of delegates to county conventions was even more haphazard and ludicrous. In some precincts in Kent County votes were cast for forty different persons, including non-residents of the State. Some men were elected delegates in two wards and some even by two parties.<sup>67</sup> Nevertheless, these are isolated cases and are possibly more amusing than significant.

As to the character of nominees under the new system opinions differ. The large number who hold that nominations have been worse under the direct primary point to the fact that many of the machine politicians who were conspicuous under the old régime have not been retired from politics under the new. The Republican nominee for governor in 1908 had served for two terms, and his unpopularity with the rank and file of his party is indicated by the fact that in the election he ran 73,439 votes behind Taft and 66,062 votes behind the state ticket, being elected by the smallest Republican plurality since 1890. A chairman in a rural county thinks that under the direct primary it is the "smooth oily guy" who gets the nomination. A Detroit newspaper writer of long experience declares that the

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1915). It was suspected in 1916 that Wesselius entered the primary race as a Sleeper lieutenant, and that Wesselius campaigned only in Kent and Wayne counties, the strongholds of Sleeper's most formidable rivals, Diekema and Leland (Detroit Free Press, August 22, 1916).

<sup>64</sup> Detroit Free Press, June 21, 1906; Official canvass, secretary of state's office.

<sup>65</sup> Grand Rapids Herald, September 18, 1910.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid., September 10, 1910.

system brings out freakish candidates,—men with strong personal conceits and hobbies, men who have everything to gain and nothing to lose. A Detroit lawyer who led in the fight for the direct primary a decade ago but whose opinion of it has undergone a change with a demonstration of its workings, observes that young lawyers enter the primary to get their biographies in the papers and their names in the public ear. Frequently such an irresponsible adventurer, aided by luck, is nominated. Thus in Detroit in 1910 Mayor Breitmeyer was accidentally defeated for a Republican renomination by one Owens, called by the Municipal League "a poorly educated lawyer with a poor business." Owens received the votes of Democrats and of disgruntled Republicans who had no idea of nominating him, but who aimed to discredit and embarrass Mayor Breitmeyer by giving his opponent a substantial vote.<sup>68</sup> In the Detroit city primaries in 1912 nine aldermen who were under indictment for graft were renominated. In the same year, if certain Democrats had not taken the initiative and circulated petitions for Mr. Ferris he would not have been nominated, and the State would have lost the services of an able executive.

Hostile critics of direct nominations contend, moreover, that the system is practically unfitted to enlist the services of the best men. A good man dislikes to conduct a personal campaign involving heavy physical and financial burdens and disagreeable controversy,—conditions which have no terrors for the young, the corrupt, and the self-seeking. It is urged, furthermore, that the best men do not like to offer themselves or appear to offer themselves for a nomination, as under the direct primary they must do. They prefer to have the nomination thrust upon them.<sup>69</sup> The convention, representing at least in theory the unified sentiment

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<sup>68</sup> Many voted for Owens as a joke (Detroit News, October 29, 1910). "Procter K. Owens nominated for mayor of Detroit on the Republican ticket. . . . The primary system clearly needs some very sober thinking from the people of this state, when it can be twisted to such ridiculous uses as this" (Editorial, Detroit Free Press, September 8, 1910).

<sup>69</sup> Cf. G. Wallas, *The Great Society*, p. 319.



of the party, could deliberately select a man to meet the peculiar exigencies of the time, whereas the direct primary must wait for volunteers. A convention might be bad; but it does not necessarily follow that its nominations were bad. What one politician said to me, "I have seen a convention of plug-uglies make a splendid nomination," was a truthful statement of what frequently occurred in the workings of party tactics. The convention issued what was at once an invitation and a command of the whole party rather than of a fraction of the party, a call to service and leadership which was as flattering as it was compelling. In the fourth congressional district in 1912 the Democrats believed that a well-known candidate with an honorable public record would be able to defeat Congressman Hamilton. Accordingly they asked Judge Yapple, probably the strongest Democrat in the district, to enter the primary campaign. Judge Yapple was old, no longer inclined to seek honors, particularly in rivalry with two young and ambitious fellow-Democrats, and he therefore declined to run. Under the convention system, it is argued, Judge Yapple would have been nominated, and the election returns show that he would probably have been elected.

Nevertheless there are many who believe that nominations are better. They maintain that public officials in general are of a higher character, that graft and scandals have become infrequent and many bosses have been retired, and that since the death of Senator McMillan there has been no dominant state machine. In the senatorial primary of 1910 Congressman Townsend, an insurgent, was opposed to Senator Burrows, a reactionary. Townsend was nominated by a decisive majority, carrying even the upper peninsula where under the convention system the mining interests who were favorable to Burrows had absolutely dominated the situation. On the whole, however, the balance between the old and the new system as far as the character of nominees is concerned appears to be about even. Under each system there have been nominations

good or bad which could not have been made under the other.

Nominees of the direct primary, however, are likely to be of a somewhat different type. Nominations apparently go to younger men, and wealthy candidates seem to be less frequent. To get an important office one must still be a man of means; but since the adoption of the direct primary there have been no millionaire candidates for governor such as scandalized the State in 1900 and 1902. It is a moot question whether the direct primary gives the office-holder an advantage over the non-office-holder. Many voters in the primary vote only for a name; and the incumbent of an office obtains an abundance of advertising and has an opportunity to make friends, the prime asset of the office-seeker. On the other hand where the feeling is strong, as it is in many communities, that honors should be passed around, there is likely to be a distinct prejudice against the office-holder. The city candidate is likely to win over the rural candidate, and in general the cities appear to get a larger share of the county nominations than they did under the convention system. Although there are reports in some counties that the farmers are making objections, the system in general does not work out very inequitably. In many counties the county committees attempt to secure a satisfactory apportionment of nominations. In some counties there is among the farmers a prejudice against the city candidate which puts him at a positive disadvantage. Moreover when it becomes known that the farmers are feeling strongly that they ought to have a candidate, some one is likely to offer himself in response to the demand. In certain counties it is a tradition or a custom that the sheriff, the register of deeds, or the clerk should be a man from the country, and city residents do not canvass for these offices.

In some parts of the State the racial complexion of nominees in the direct primary constitutes a difficult problem. In the copper country there was said to be in 1910 a triple alliance of three strong groups of foreigners—

the Finns, the Austrians, and the Italians—which attempted to parcel out nominations among these races; but such action from the party standpoint would be difficult and from the public standpoint undesirable. It appears to be the general observation that nominations in the upper peninsula are likely to go to the racial group that is numerically strongest and that this condition results in dissatisfaction among the other groups.

*Newspapers.*—It is frequently asserted that the direct primary has increased the power of the newspaper to influence nominations. Through the increased use of advertising by candidates the direct primary has benefited newspapers financially, and for this reason it has been asserted that the newspapers favor direct nominations. In any event, the advertising and editorial columns are more influential in determining nominations than they were formerly. Although the direct primary has made the newspaper a more important medium of communication between the candidate and the voter, it has at the same time brought the candidate into closer personal contact with the voter. Where this personal contact is closest, as in local campaigns, the newspaper has least influence; where the personal contact is slight, as in a state contest, newspaper influence is at its maximum. In local campaigns observers have remarked that the press has seemed to lack influence.<sup>70</sup> On the other hand a poll of the Republican newspapers in 1914 as to their choice for governor showed an interesting correspondence with the vote cast in the primary.<sup>71</sup>

*The Effect on Party Organizations.*—The effect of the direct primary on party committees has been discussed in

<sup>70</sup> Butterfield, p. 19.

<sup>71</sup> The following table, taken from the Detroit News of July 30, 1914, shows this correspondence:

Candidate	Newspapers Favoring	Vote in Primary
Osborn . . . . .	104	58,405
Martindale . . . . .	78	47,942
Groesbeck . . . . .	37	43,137
Gardner . . . . .	14	Withdraw
Ellis . . . . .	10	22,248
Linton . . . . .	8	30,443



the preceding chapter, where it was shown that in the Republican party the committees find themselves with a diminished power to influence nominations and to manage campaigns. This condition is due partly to statutory provisions and partly to the nature of the system. The subject which will be considered in this section is the general effect of the direct primary on the party organization viewed not as a collection of committees and officials, but as a vote-getting and vote-conserving association whose chief desiderata are solidarity, loyalty, enthusiasm, and discipline.

It is possible that in some States the direct primary has strengthened the party organization by reconciling the members of the party to the leadership of those whom they believe to have been fairly chosen,<sup>72</sup> but under Michigan laws it has not had this effect. A member of the Republican state committee says, "There are two things which hurt party organization: civil service<sup>73</sup> and direct primaries." If the direct primary is unpopular among Republican candidates, it is anathema to Republican managers. On one indictment they agree: it hurts or weakens the organization. Among those who admit a weakening of the organization are many who look on the result with some satisfaction as being due to the emphasis that is now placed on men rather than parties. At the other extreme are those who fall into the error common to party managers of looking on the party organization as an end in itself. It will not be necessary at this time to consider these divergent opinions.

Conventions, in which under the old system party life centered, are still held in Michigan. But with the possible exception of delegate conventions held in presidential years, there are no opportunities for party gatherings the character of which is formal and public enough and the work of which is vital and exciting enough to attract and fire the active workers of the party. It was a function of the convention

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<sup>72</sup> Proceedings of the National Conference on Practical Reform of Primary Elections, p. 20. Speech of John R. Commons.

<sup>73</sup> Cf. H. Croly, *The Promise of American Life*, p. 334.

to fuse party factions into a common loyalty and to animate the mass with partisan enthusiasm. The convention was, besides, a supreme disciplinary court. It provided an opportunity for the compromising of differences, so that, however fierce its factional contests may have been, at the end of its sessions it presented a united front to the enemy. Of course the manipulation or the arbitrary management of conventions might create or intensify factionalism; but a faction rarely made head or attempted to make head against the visible and imposing authority with which a convention spoke. Moreover the convention was potentially a deliberative body, although it is true that it rarely realized to the full its potentiality. It had many resources. It could bargain with the leaders of factions; it could throw sopps to the disgruntled. Above all it could develop party strategy, which consists in nominating a farmer when the opposing party has nominated a city millionaire, or a German when the opposition has ignored the Germans, or a man of talents to measure up to a strong adversary or an unusual emergency,—in fact, so to make its nominations as to appeal to the maximum number of elements and interests. The direct primary is unable to do these things or does them blindly, clumsily, and inadequately. The tendency under the convention system was for each party to attempt to seize the unguarded points in the field, but the tendency under the direct primary is for both parties to try to occupy the same space at the same time.

The direct primary gives little opportunity for compromising or smoothing over factional differences, but on the contrary stimulates factionalism. For a period ranging from six months to a year opposing candidates within the party engage in a personal campaign of cumulative intensity culminating only two months before the election. How wide the gap between factions may become is illustrated in speeches made by Mr. Osborn in the primary campaign of 1910. "One thing I do not believe in," he said, "is political assessment of political employes. I am fighting all the 400 employes of the governor. The administration is as-

sessing all the employes it can control."<sup>74</sup> And he said again: "If I am made governor I will put out of office, so far as possible, all the dishonest and incompetent appointees at present at work."<sup>75</sup> Here within the ranks of a party we find the familiar characteristics of a struggle between parties: a machine consisting of public officials, the assessment of these officials to pay campaign expenses, and a promise—or, if you choose, a threat—of a redistribution of the spoils. These bitter internal struggles destroy the physical and moral unity of the party, forfeit the loyalty of its followers, sap its financial resources, and give to the opposition a fund of unanswerable campaign arguments. It is like the act of a country torn by civil conflict, with the imminent certainty of a foreign war, which ships the contents of its arsenals and the plans of its fortifications to its future foe.

If there were primary contests in both parties, the weakening effect of factionalism would be equally shared. But as it is, the Democrats have never had a contest in a state primary. With a selected candidate they quietly prepare for the general election while the Republicans are spending their resources.<sup>76</sup> In 1908 the close and extremely bitter primary campaign in the Republican party had much to do with the poor showing made by the Republican nominee in the election.<sup>77</sup> As a matter of fact, as we have seen, members of the minority party are much more than complacent spectators. They participate in the Republican struggles, often with the deliberate intention of nominating the candidate whom they can most easily defeat. The nomination of Osborn in 1914 is one of the most notorious cases. The chances of success are increased when candidates are numerous, for then a small body of voters can determine the nominee. Thus in the congressional primary

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<sup>74</sup> Detroit Free Press, September 3, 1910.

<sup>75</sup> Ibid., September 2, 1910.

<sup>76</sup> "The Democratic way of doing things, decidedly improper as it seems, gets good results for the party, while the Republican adherence to the law has brought demoralization and defeat" (Editorial, Detroit Free Press, July 26, 1916). See also Gazette-Telegraph (Kalamazoo), July 24, 27, 1916.

<sup>77</sup> "Apparently the rule is that the primary is harmful in proportion to the interest taken in it" (Detroit Free Press, April 24, 1916).



in the first district in 1914 Doremus, the Democratic congressman, had no opposition for the nomination, but in the Republican party there were six candidates. It is common knowledge in Detroit that the Democrats practically nominated the man to run against Doremus, insuring the latter's election. In the thirteenth congressional district, however, which is the northern half of the city of Detroit, there were fewer Republican candidates in the primary and the Republican nominee won in the election.

As a matter of practical politics the logical outcome would appear to be that the Republican and the Democratic bosses would make terms and by acting together control nominations and elections, assigning to each party an equitable share of the offices. In Detroit where there is a large controlled vote the bipartisan machine, called familiarly the "Vote-Swappers' League," has already developed, although its ramifications, power, and personnel are obscure, and it is impossible to attribute its development to any one cause. There were rumors of bipartisan understandings as early as 1901; and to this phenomenon the foreign voters, the saloon influence, the disappearance of distinctive party principles, and the waning strength of party ties have probably contributed. But the direct primary, whether it is or is not responsible for the phenomenon, has clearly provided the machine with a most useful instrument of manipulation. Given a mass of controlled voters in a few precincts<sup>78</sup> holding the balance of power in the city, the work of a bipartisan machine is easier under the direct primary than under the convention system. How far the bipartisan arrangement has extended is largely a matter of guess. It has appeared to control pretty thoroughly the nominations and the elections in Wayne County. An old politician asserts that it has existed in other counties and that there has been an attempt to extend it to state offices.<sup>79</sup>

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<sup>78</sup> See below, page 159ff.

<sup>79</sup> In 1916 the Republican and the Democratic leaders were opposing candidates for mayor, and in appearance the two party machines were no longer in agreement.

The weakening of the Republican organization under direct primaries has been accompanied by a relative strengthening of the Democratic organization. The Democratic state chairman declared in 1915 that his organization was much better than it was ten years ago; but this improvement may be ascribed to the Democratic success in 1912 which followed the Republican split. Democratic victory in 1914, however, can be attributed in great part to the effect of the direct primary on the Republican organization. Contests with their enervating consequences have affected the minority party little. In their absence the Democratic organization has much to do with the making of nominations. With power and responsibility have come interest, activity, and stronger men. With the prevalence of minority candidates in the Republican party the naming of the party managers by these candidates has the effect of putting the party organization in the hands of a minority of the party, and has, moreover, produced a lack of continuity in Republican leadership; in the Democratic party, on the other hand, the absence of contests and factions has furnished no cause for the unseating of managers, and continuity in management has contributed to party strength. The direct primary, therefore, acts to some degree as an equalizer of party organizations, shifting its burdens on the stronger party and making the race for office a handicap race. The stimulation and the strength arising from unity, harmony, the saving of financial resources, the development of strategy, secrecy in counsel, and continuity in management remain in the minority party unimpaired.

*Recent Working of the Convention System.*—The question is relevant whether the convention system would, if restored, work as badly as it did a decade ago; but the question has been pretty thoroughly answered. Michigan has retained conventions, some with restricted functions, some with their functions unimpaired. In the Democratic county convention in Wayne County in 1907 the committee on credentials arbitrarily filled vacancies, and a motion in the convention that all Democrats present be declared delegates was

carried, although it was a palpably illegal proceeding.<sup>80</sup> Contests growing out of this convention, as well as contests arising in Wayne County in the effort to defeat Mr. Campau for national committeeman, were decided by the state convention in the old way,—by sheer weight of numbers and control of the organization, with no calm consideration of the equities of the cases.<sup>81</sup> In the former instance both sides were represented by lawyers and were provided with affidavits; but nevertheless the result was a foregone conclusion. Until 1916 the pure convention system has been used for the selection of delegates to national conventions. The Republican state convention in 1912—the worst in almost every respect in the history of Michigan<sup>82</sup>—illustrates the inherent faults of the convention system, its incapacity to adjudicate vital disputes equitably, and the lack of provision for an impartial preliminary organization and an impartial presiding officer. The absence of these essentials and the impossibility of getting them turned the gathering into a mob and split the party.

The prenomination campaign and the primaries which preceded this convention are equally instructive. The active Taft campaign lasted over two months. During this time the Taft managers collected and disbursed, according to the sworn testimony of the man who had charge of the finances, the sum of \$18,935,<sup>83</sup> over ten times the amount spent by the successful Republican candidate for governor in the 1914 primaries. This sum, moreover, was spent almost entirely in five congressional districts.<sup>84</sup> In his testimony before the Clapp investigating committee Judge Murfin of Detroit said: "Mr. Warren asked me what I thought would be proper to be expended in Wayne County. I told them they could not spend more than \$2500.00 honestly. He told me Mr. McKay wanted about \$5000.00 in

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<sup>80</sup> Detroit Free Press, February 24, 1907.

<sup>81</sup> Ibid., February 15, 1907, May 21, 1908.

<sup>82</sup> See above, page 85 ff.

<sup>83</sup> Campaign Contributions, vol. i, pp. 778–779. The Wilson workers spent about \$6500 (Detroit News, March 10, 1913).

<sup>84</sup> Campaign Contributions, vol. i., p. 782.



this one before he started. Then I said, 'You are going to have a rotten campaign,' and they did."<sup>85</sup> This competent witness declared that the Taft-Roosevelt primaries in Detroit were "absolutely the rottenest and most corrupt that Michigan has ever seen, but one side was just as bad as the other. Our side seemed to be more skillful than the other, and therefore we got the delegates."<sup>86</sup> On account of legislative enactments there was no control except that of party custom. Accordingly the precinct committeeman had charge of the booth and presided over the ballot-boxes. "There was no way by law or any other way of preventing a Republican or Democrat outside of the precinct from voting if he wanted to. The ward committeeman would say, 'You can vote,' or 'You can not vote.'"<sup>87</sup> When he saw fit to close the polls the committeeman counted the votes and made out the credentials, usually to himself as the delegate. "What they did was simply to barter for these men like so many sheep. They would go to one man and say, 'Here, you run as a Roosevelt delegate; there is so much in it for you.' And this man would say, 'All right.' Some of them took money from both sides."<sup>88</sup>

The Wilson-Harmon primaries in Detroit were a repetition of the Taft-Roosevelt primaries. In the former some of the ballot-boxes were kept open for a while and then closed for a while as the precinct committeeman judged expedient. As in the Republican primaries the committeeman usually elected himself a delegate. "They said that this had been the custom for years."<sup>89</sup> In the Democratic primaries payment was made with petty jobs or offices to be given out by Republican city officials. As a matter of fact practically the same machine was engaged in manipulating both primaries. Grand Rapids was under direct primaries from 1901 to 1908. In the latter year a decision of the supreme court necessitated a return to the old

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<sup>85</sup> Campaign Contributions, vol. i, p. 976.

<sup>86</sup> Ibid., p. 974.

<sup>87</sup> Ibid., p. 978. Testimony of Judge Murfin.

<sup>88</sup> Ibid., p. 980.

<sup>89</sup> Interview with a Wilson manager.

system. Immediately following the primaries the Republican city convention passed a unanimous resolution for the reenactment of another direct nomination law.<sup>90</sup> The proposition scarcely needs argument that under the strain of contests the convention system is as unworkable now as it was a decade ago.

A return to the convention system, although desired by many politicians, is expected by few and seems hardly within the range of possibilities. As one of them expressed it, "The people like their power too well. They have had a taste of blood, and they won't give it up." If the question of adopting direct nominations were submitted again to a popular referendum it would carry by a large majority.<sup>91</sup>

*Tendencies.*—The preceding discussion may now be briefly summarized. Under the direct primary, conditions at and preceding the polling show few of the disorderly, demoralizing, and corrupt features of the convention system. The prenomination campaign is more educational in character and makes a more direct and personal appeal to the voters. For state candidates it is less expensive, for local candidates more expensive; for candidates in general it is more disagreeable and more burdensome. The average vote in the direct primary is better than in the old primaries, and shows a general increase. The participation of Democrats in Republican primaries is more serious and more systematic than under the convention system and has developed into an effective means of machine control. In general, however, means of manipulation are fewer. Minority nominations are frequent, and the character of nominees has not on the whole improved, although it has in some particulars changed. The direct primary tends in a variety of ways to weaken the majority party and to strengthen relatively the minority party. Although in many important respects it is an improvement and there is little possibility of its abandonment, the direct primary can not yet be

<sup>90</sup> Grand Rapids Herald, March 19, 20, 1908.

<sup>91</sup> For a sweeping condemnation of the direct primary by an able Republican politician who is also a student and a historian, see C. Moore, *History of Michigan*, vol. i, pp. 578-579.

considered satisfactory. An indication of its experimental status is found in the absence of any movement to extend it to the important judicial and other state officers elected in the spring.

A tendency which we have already noted looks to the control of nominations by the party organization, and we have seen that this control is more common in the Democratic than in the Republican party. It is said that the Republican state leaders attempted to hold a preprimary conference in 1912 for the purpose of agreeing upon a candidate, but objection was at once made that this proceeding was a violation of the spirit of the direct primary. In Washtenaw County the Democrats have held a mass-convention meeting before the primary, with the aim of stirring and unifying the party. They have had a good speaker so as to attract Democrats, and have talked over such party problems as the apportionment of nominations around the county.

It is the Republican party, however, which feels most keenly the need for some form of centralized control. In 1914 the Republican state central committee appointed a subcommittee on revision of the primary law. In December the subcommittee made its report, which was adopted in full.<sup>92</sup> This report is of value for the reason that it represents the matured opinion of some of the more studious of the Republican leaders, formed after "state-wide and nation-wide investigations."<sup>93</sup> The committee recognized two "basic causes of complaint": (1) "the persistent participation of Democrats and other hostile partisans in Republican primaries for the purpose of attempting to nominate weak Republican candidates for office; (2) the lack of opportunity for party counsel under existing primary law."

The plan of reform suggested by the report, which was limited to the offices of governor, lieutenant-governor,

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<sup>92</sup> Detroit Free Press, December 30, 1914.

<sup>93</sup> A Petition to the Michigan Legislature, Printed by the Grand Rapids Herald (1914).



secretary of state, state treasurer, auditor-general, attorney-general, and United States senator, follows: (1) Biennial fall conventions shall be held before instead of after the primary. (2) Delegates to the "preprimary state convention shall be selected at the spring election on petition of from two to four per cent of the party vote. Delegates shall be apportioned by the state and county committees. No county conventions are to intervene." (3) The preprimary state convention shall meet in June. It will adopt the party platform, select the state central committee, and choose the chairman of the committee. It will then proceed to consider candidates for office. "Here will come the opportunity for party counsel and party argument which is vital to party perpetuity and party perpetuity is vital to a perpetuated democracy." (4) If a candidate receives a majority vote in the convention, his name will be certified to the secretary of state for a place on the primary ballot. If no majority is secured for a candidate, there will be no certification. The veto power on all nominations will rest with the party electorate. (5) The name of the convention nominee will appear in the first place on the primary ballot. Other names may be put on the ballot on petition as at present. No petition shall be circulated until after the preprimary convention. (6) In the primary there shall be separate ballots. When the voter asks for his ballot a record will be made of his party affiliation. Party enrollment was considered and discarded because of its previous "unpopularity and impracticability." The proposition that a candidate who receives a majority of all votes cast shall be declared elected was discarded as of doubtful constitutionality. The Democratic and Progressive parties, declared the committee, "have almost never yet gone into a state primary in Michigan without some sort of an unofficial conference of party leaders preceding the primary."<sup>94</sup> Out of fifty-three legislators-elect who responded to inquiry

<sup>94</sup> In 1916 the Democratic state central committee named candidates for governor, lieutenant-governor, and United States senator, who were voted on in the primary. After their nomination all three candidates withdrew, and the committee filled their places.

blanks, fifty-one expressed belief that the primary law should be changed, and thirty-three favored the preprimary idea.

Although many party leaders insist that the preprimary convention, legal or extralegal, is inevitable for all parties, others dismiss the idea as adding one more complication to an already complicated situation. They say that, given a legalized preprimary convention, there would be three campaigns where there are now two: one for the convention, one for the primary, and one for the election. This added complication would make conditions intolerable for the candidate.<sup>95</sup>

As a means of preventing minority nominations and manipulation by putting up dummy candidates the preferential ballot has been suggested. It is not favored by practical politicians. They contend that at a time when the trend in politics is toward simplification the preferential ballot would make the ballot more complicated—too complicated for many electors to vote. Accordingly they believe generally that a shorter ballot would lead to better nominations. In 1910 a Republican voter in the first precinct of the first ward in Detroit was asked to weigh the merits of 105 candidates for 27 distinct offices ranging from United States senator and governor to drain commissioner and constable,<sup>96</sup> and this in a precinct where it is said that seventy-five per cent of the voters are assisted in the marking of their ballots.

It is generally believed that the legal limitation of primary expenses has effected improvement. Some would go as far as to prohibit by law all expenditure in a primary campaign; others would have the State print at its own expense the arguments of the various candidates. Others maintain that the fundamental difficulty is the same as under the old system. As one county chairman, more

<sup>95</sup> The Republican state central committee in 1916 again recorded its approval of the preprimary convention idea (Detroit Free Press, July 21, 1916).

<sup>96</sup> Detroit News, August 27, 1910.

forceful than cultured, expressed it, "The great trouble is, the high-brows don't vote."

*Effect of the Direct Primary on Conventions.*—The laws have taken away functions but have made no direct change in convention organization and procedure. There is naturally less interest in conventions. At present, according to a member of the Republican state committee, in order to get delegates to attend a state convention the executive committee has to get a man like Root or Borah to deliver a two-hour speech. County conventions have tended to become cut-and-dried affairs, with the naming of delegates slated in advance and the work of naming the slate entrusted to a committee appointed by the chairman. At county conventions there is an absence of personal workers. The holding of all county conventions on the same day did away with the relay system in the election of delegates by which professional workers would clean up one county and then pass on to the next, and made snap conventions impossible. Bribery has been eliminated, and the convention has probably become more representative. To those who are after office or boodle the present-day party gathering offers few attractions. There is less tension in conventions and there are fewer struggles over credentials and preliminary organization. Instructions and the unit rule—products of close-fought contests—have become less common in both parties. Conventions tend to become more deliberative—in so far as anything is left to deliberate over—and there is better order. On the other hand, the attendance of delegates is not so good. Recent Democratic state conventions, however, have been unusually well attended,—another indication of the rejuvenation of the party. The 1914 convention had delegates present from eighty counties and a total attendance of about twelve hundred.<sup>97</sup>

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<sup>97</sup> Detroit News, September 29, 30, 1914. In 1914, delegates in the Democratic state convention were apportioned in the ratio of one to every one hundred Democratic votes for secretary of state, making the unwieldy total of 1542, of which 239 were from Wayne County (Detroit News, July 14, 1914). The Republican state convention in 1914, based on a decreased party vote, had 1052 delegates.



## CHAPTER VI

### CAMPAIGN MANAGEMENT AND FINANCE

The Republican party with its superior financial resources usually had prior to 1914 a more thorough and more efficient campaign organization than had the Democratic party. The Republican organization was at its best in 1896, the Democratic probably in 1890 and 1914.<sup>1</sup> Before the spring election for the choosing of judicial officials there has been comparatively little campaigning; and in the off years campaigns have been much less vigorous and expensive than in presidential years.

*Campaign Organization.*—In the prosecution of campaigns the various organizations, state, district, and county, have had to cooperate, although their relations have been determined hardly at all by paper arrangements, but rather by the organizing ability of the various chairmen or secretaries, by the nature of the campaign—national, state, or local, by factions within the party, and by the likes and dislikes of the managers. Coordination and cooperation are effected by advisory committees, by visits, by banquets and smokers, by personal agents and emissaries, and by correspondence. In Wayne County, where the city, county, and congressional committees cover practically the same field, the Republican committees have usually been consolidated, or have chosen a conference committee which has apportioned the work of the campaign among the three bodies. Thus in 1900 the Republican conference committee decided that the county committee should take charge of speakers, halls, and literature, the city committee of witnesses and challengers at primaries and elections and the organization of extra ward and township clubs, and the

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<sup>1</sup> I have not observed campaign organization in 1916 except such as made itself evident before September 1.

congressional committee of the organization of the first voters.<sup>2</sup> Soon after the nominating conventions joint meetings of committees and candidates have been held; during the campaign the county chairmen have kept in close touch not only with the candidates but also with the ward and township workers, who may or may not be committeemen; the state chairman confers personally or by letter with the county chairmen and with the district members of the state committee; and the national committee keeps in touch with state conditions through the national committeeman, the state chairman, or special agents.

The nominal manager of the state campaign is the chairman of the state central committee, but during the nineties, it is said, the secretary and the head of the speakers' bureau were the actual directors of Republican campaigns. The Democratic state chairman in 1890 and 1892 informs me that prior to those years the state chairman had been a figurehead. In recent campaigns the chairman has appeared to be the real directing head of the organization, although in both parties the secretaries have been experienced and valued assistants and have been practically in complete charge of the routine work. Besides the executive committee, which acts as a convenient and time-saving representative of the full committee, each party has usually had a speakers' bureau, a literary bureau, a treasurer, an assistant-secretary, sometimes a finance committee with its own chairman, and sometimes a publicity agent. The state central committee has usually met two or three times during a campaign and the executive committee more often. Prior to 1900 the State League of Republican Clubs assisted to some extent in the work of campaigns.

The county committee has organized less formally for campaigns, but politicians have always recognized the vital importance of systematic local organization. The state chairman has usually suggested many details, but the county chairman has been free to reject or modify these suggestions. At present, when the chairman and the secretary of the

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<sup>2</sup> Detroit Tribune, September 15, 19, 23, 1900.

county committee are selected by the candidates, the latter are taking a more active part in campaign management, and the committee itself tends to become an honorary rather than a working body. In most cases the officers of the committee, as some of them express it, are the "whole thing."

Methods of local campaign management vary from county to county, showing in some cases refreshing and effective originality. A record-breaking Republican majority in Calhoun County in 1894 was attributed to originality in organization;<sup>3</sup> a Republican defeat in Wayne County in 1899 was charged to the unwise selection of new workers.<sup>4</sup> Like the state secretary, the county secretary, who attends to the office work at headquarters, has usually received a monthly stipend during the campaign.

In the district campaign, organizations have varied even more than in the counties. In the nineties the senatorial, the congressional, and even the judicial committee often performed important campaign functions. The present tendency, however, is for the county organization to manage the campaign not only of the county candidates but also of the senatorial, representative, judicial, and congressional candidates.<sup>5</sup> In some districts the congressional committee makes on paper an impressive appearance of dignity and strength, but the congressional candidate or his private secretary usually directs the fight. There is little connection between the state and the congressional campaigns and little communication between the two organizations. The township committees have had little to do with campaigns beyond occasionally reporting to the county chairman on local conditions or sending in lists of voters. In many cases a candidate with the help of his friends and his appointees conducts his fight for election independently of the party organization, and in Wayne County campaign management has been assumed at times by political clubs.

<sup>3</sup> Detroit Tribune, November 9, 1894.

<sup>4</sup> Detroit Free Press, April 4, 1899.

<sup>5</sup> Interviews.



*Clubs.*—Campaign clubs large and small have in some campaigns been almost as numerous as the ballot-boxes themselves. Organized early in the campaign and in some cases retaining a semblance of life between campaigns, the club was designed to enlist young men in party service, to stimulate partisanship, to train speakers, and to provide an organization for getting out the vote on election day. The clubs furnished a means for the recognition of racial and economic groups within the party, gave these groups opportunity for expression, and incidentally won their adherence by stirring their pride. In the late eighties and early nineties political clubs were much more numerous and more carefully organized than now and many were ostensibly permanent.<sup>6</sup> As a rule, however, they were organized for a single campaign by the party managers or by the agents of "Leagues." The clubs have held meetings and even distributed literature; and twenty years ago ward clubs in the large cities were equipped with uniforms, band instruments, banners, torches, and other paraphernalia. In 1892 the Republicans were particularly active in club organization, and in 1896 both parties attempted to enroll their members in these auxiliary organizations.<sup>7</sup>

For the campaign of 1916 the Republicans early organized a "Hughes-for-President" or a "Hughes-and-Fairbanks" club in every county in the State. These clubs took over the management of the presidential campaign in the counties, although they were expected to cooperate with the county committees. These clubs seemed necessary because the local organizations are not perfected until after the state primary, at least two months too late to do the preliminary work of a presidential contest. In the third congressional district Republican leaders organized a district club at a banquet early in July, and appointed an executive committee for each county to organize county

<sup>6</sup> In the spring of 1916, however, it was reported that there were fifty Republican clubs in the State (Detroit Free Press, May 9, 1916).

<sup>7</sup> In 1896 the "American Honest Money League" organized about two hundred clubs in Michigan (Detroit Free Press, October 28, 1896).

clubs. Besides the executive committees the district club had standing committees on publicity, on speakers, and on arrangements.<sup>8</sup>

In 1888 the Michigan Club, a strong Republican association with social and political activities, numbering in its membership the leading local and state politicians, seems to have had general charge of the Republican campaign in Wayne County,<sup>9</sup> and in 1892 and 1896 it assisted the local committees.<sup>10</sup> Again, in 1908, 1910, and 1911 the Wayne County Republican Club managed the party fight,<sup>11</sup> and in 1908 the Wayne County Bryan Club took over the direction of the Democratic campaign.<sup>12</sup> In Grand Rapids the Republican Lincoln Club has participated in campaigns. The Business Men's Republican Club of Wayne County spent \$291.49 in 1904.<sup>13</sup> In 1908 the Wayne County Republican Club began the organization of ward and precinct clubs in March, and in November had one hundred and six clubs with a total membership of 12,500.<sup>14</sup> College, Afro-American, first voters', women's, and travelling men's clubs have undertaken special phases of campaign work.

Although one of the main purposes of the club has been to interest the young voter, this method of recruiting has not been neglected by the regular committees. In 1896 the Republicans held a mass-meeting in Detroit for the first voters,<sup>15</sup> and in 1900 a Republican subcommittee secured the names of all first voters in Detroit, about seven thousand.<sup>16</sup>

The party manager has also made it his duty to see that the potential voters of his political faith become qualified by naturalization and registration. Prior to 1894 an alien could vote provided he declared six months before the

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<sup>8</sup> Detroit Free Press, May 5, 1916; Moon-Journal (Battle Creek), July 1, 1916.

<sup>9</sup> Detroit Tribune, October 5, 1888.

<sup>10</sup> Ibid., October 6, 1892.

<sup>11</sup> Detroit Free Press, October 27, November 18, 1908.

<sup>12</sup> Ibid., October 18, 1908.

<sup>13</sup> Detroit Tribune, January 27, 1905.

<sup>14</sup> Detroit Free Press, November 18, 1908.

<sup>15</sup> Detroit Tribune, October 8, 1896.

<sup>16</sup> Ibid., September 25, 1900.

election his intention to become a citizen.<sup>17</sup> At that time it was commonly charged that the naturalizing officials made it easy for members of their own party to become citizens;<sup>18</sup> and committees and candidates sometimes offered free naturalization to foreigners who would promise to vote the party ticket.<sup>19</sup> A constitutional amendment adopted in 1894 required full naturalization before voting;<sup>20</sup> but this action seems merely to have transferred the interest of the party managers from the declaration of intention to the final papers and the activity of the managers from April to October without lessening much the evils of partisan activity in naturalization.<sup>21</sup> A later law provides that no certificate of naturalization shall be granted less than thirty days before a general election. In the nineties the city committee, working through the ward and precinct organizations, attempted to secure full registration of the party members.<sup>22</sup> At the present time<sup>23</sup> the party managers are much less active in naturalization and registration than formerly.

*Headquarters.*—The first step in a campaign is the opening of headquarters. For the general elections both parties have usually had their headquarters at Detroit, and have opened their central offices in presidential years about the first of August, in off years in September. For the spring election, headquarters when established have usually been at Lansing. At headquarters the chairman, the secretary, and the heads of bureaus spend much of their

<sup>17</sup> In the light of this law the activity of party managers in naturalization is shown by the following figures of naturalization in Detroit in 1886: January, 17; February, 36; March, 110; April, 312; May, 106. In 1885, an off year, 290 were naturalized; in 1886, a regular election year, 660 were naturalized up to August 15 (Detroit Tribune, August 15, 1886). On March 31, 1892, 74 declarations of intention were filed in Detroit (ibid., April 2, 1892).

<sup>18</sup> Detroit Tribune, August 15, October 29, 1886.

<sup>19</sup> Ibid., October 30, 1890, July 1, 1892, March 20, 1895, November 15, 1896.

<sup>20</sup> Michigan Manual, 1895, p. 454.

<sup>21</sup> Detroit Tribune, March 20, 1895, November 14, 15, 1896, October 14, 1900, October 18, 1904.

<sup>22</sup> Ibid., October 24, 1886, October 28, 1892, October 7, 1896, September 27, 1900; Detroit Free Press, March 4, 1899.

<sup>23</sup> September 1, 1916.



time, and they are assisted by a force of stenographers and helpers,—a force, however, which is smaller now than in the campaigns of the nineties. About a month after the opening of state headquarters the county committees establish their offices, usually at the county-seats.

On the relative merits of long and short campaigns politicians entertain different opinions. For state offices the speaking campaign has usually lasted a month or a month and a half; for county offices about a month; for city offices a still shorter time; and for township offices there is no formal campaign at all. In general the tendency seems to be toward the short campaign.

*Lists of Voters.*—Lists of voters are indispensable to the campaign manager in distributing literature and in getting out the vote, and such lists possess additional value if they show the voters' party affiliations. Between 1906 and 1913 enrollment for the direct primary furnished a list of party members, and some believe that one of the purposes of party enrollment was the providing of these lists. City directories, registration books, and poll-lists are useful; precinct workers and local committeemen send in names; possibly census enumerators<sup>24</sup> and rural and city mail carriers contribute lists of names, although political activity on their part is prohibited by law; and names are secured in other ways which managers refuse to divulge. Most valuable and most difficult to obtain is a list of doubtful voters; but since 1912 party managers have been inclined to look on most voters as doubtful, and some have discontinued attempts at classification. One Democratic county chairman possesses typewritten lists of Democrats, Republicans, doubtful voters, and first voters, arranged alphabetically and by rural routes, originally secured twenty years ago by a house-to-house canvass and kept up to date by comparison with the registration books and poll-lists. In 1910 the Republican state committee adopted an expensive card index system.<sup>25</sup>

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<sup>24</sup> Detroit Free Press, May 31, 1890.

<sup>25</sup> Detroit News, August 21, 1910.

*The Campaign Fund.*—In keeping his war-chest supplied the manager has found not always agreeable but constant and serious employment. In general the national, state, and county organizations have been financially independent but have helped one another when help has been needed and where it has been possible to give it. In general the committees have usually raised all they could and spent all they raised—often more.

The question of who should solicit contributions has depended on the men and on the circumstances. On the shoulders of the state chairman has generally rested most of the burden of getting the state fund,<sup>26</sup> but he has been assisted by the district members of the state committee, by the treasurer, and sometimes by a special subcommittee on finance. Wayne County has always contributed a major part of the campaign funds of both parties. The treasurer has usually been a wealthy business man or banker of Detroit, selected on account of his business ability, his willingness to contribute, and his financial standing and connections. Aside from soliciting contributions, his duties may be summed up in the words of a Republican treasurer: "I acted the same as the teller in a bank would and whenever a voucher which was properly endorsed was presented for payment, I paid it."<sup>27</sup> In the counties contributions have usually been solicited by the chairman, assisted by a subcommittee on finance. Prior to 1908, according to a Republican campaign manager of the nineties, the Republican national committee had asked individuals for money but had never circulated "broadcast appeals" within the State; in 1896, for example, Hanna had a special agent in the State raising funds and reporting on conditions. In 1908, however, the national committee solicited funds in the State, and, on account of this "crossing of the wires," the state committee asked for help from the national organization and got it.<sup>28</sup> The state organization, however, had received considerable assistance from the national

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<sup>26</sup> Detroit Tribune, March 6, 1901.

<sup>27</sup> Detroit Free Press, August 29, 1908.

<sup>28</sup> Ibid., November 3, 1908.

committee in 1896 and was given a donation of ten thousand dollars in 1900, but in 1904 Michigan financed itself. The Democrats received help in 1892 and 1908 but shifted for themselves in 1912. County committees have frequently contributed to the state and even to the national fund.<sup>29</sup>

The principal sources of campaign funds have been the following: assessments levied on candidates and on office-holders, contributions from individuals and from corporations, collections and subscriptions at conventions and public meetings, and donations from party committees and clubs.

The assessment of candidates either by formal action or by tacit understanding has been a uniform practice in both parties. Assessments have usually been fixed early in the campaign by committee members in consultation with the candidates. Although assessments were in no way compulsory and were not always paid in full, they amounted in many cases to a large part of the emoluments of the office sought, and the obligation of paying the assessment has probably deterred many men of limited means from accepting nomination.<sup>30</sup> There has been no invariable rule in either party for the fixing of these assessments.<sup>31</sup> Republican candidates for governor have usually paid at least one thousand dollars and frequently much more;<sup>32</sup> congressional candidates, five hundred dollars;<sup>33</sup> and other candidates on the state ticket from seventy-five to five hundred dollars according to their means and expectations.<sup>34</sup> Democratic assessments have been less fruitful than Republican because Democratic candidates as a rule have not been wealthy men nor have they been hopeful of election.<sup>35</sup>

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<sup>29</sup> Report of the Treasurer, Democratic National Committee, 1912, p. 30.

<sup>30</sup> 82 Mich. Reports, p. 532.

<sup>31</sup> "The candidates were assessed all that the traffic would bear," says an ex-treasurer.

<sup>32</sup> Detroit Tribune, August 2, December 1, 1900; Detroit Free Press, August 27, 1908. A Democratic campaign manager informs me that the customary assessment of the candidate for governor was \$2000.

<sup>33</sup> Detroit Tribune, October 5, 1898, August 2, 1900.

<sup>34</sup> Statements filed with secretary of state, 1892-1900, and with Wayne County clerk, 1914.

<sup>35</sup> In 1900 the Democratic central committeemen assessed themselves fifty dollars each (Detroit Tribune, August 16, 1900).



For the county campaign fund, the bulk of which is provided by the assessment of candidates, a definite rate is often fixed by agreement, varying in different counties from seven to ten per cent of the emoluments of the office during the preceding year.<sup>36</sup> In some counties it has been the custom to estimate carefully the total cost of the county campaign and then apportion the burden among the candidates in proportion to the monetary value of the office sought.<sup>37</sup> Usually the candidate for sheriff has paid the largest assessment; township candidates have rarely been assessed at all. Congressional, senatorial, representative, and judicial candidates have usually made appropriate contributions to the county fund. In Wayne County in 1898 the ten per cent plan was expected to provide the Republicans with a fund of \$3890. The Ingham County Republican committee collected in 1914 \$2178, of which \$1685 came from the candidates.<sup>38</sup> In the counties assessments appear in general to be lower than they were early in the nineties but somewhat higher than they were a decade ago.<sup>39</sup>

A quarter of a century ago the assessment of office-holders was a recognized and ordinary method of raising

<sup>36</sup> Detroit Tribune, October 14, 1898.

<sup>37</sup> This has been the Republican custom in Calhoun County. In Ionia County in 1914 the Republican candidates paid their ten per cent assessment in installments of five, two and one half, and two and one half.

<sup>38</sup> The following table shows the assessments paid by various Republican county candidates:

Office	Wayne, 1898	Kent, 1914	Ingham, 1914	Livingston, 1914
Sheriff . . . . .	750	300	200	100
Treasurer . . . . .	500	200	175	100
Prosecuting Attorney . . . . .	500	280	175	100
Register of Deeds . . . . .	350	75	350	—
Auditor . . . . .	350	28	—	—
Clerk . . . . .	350	200	175	50
Court Commissioner . . . . .	300	60	25	25
Coroner . . . . .	120	120	25	—

<sup>39</sup> Says a county chairman (1915): "My assessment nine years ago for county clerk was thirty dollars: two years ago it was two hundred dollars."

funds.<sup>40</sup> The system of requisitions extended from the customs collectors and postmasters to the elevator boys and scrub-women. Civil service reform limited to some extent this method of financing but did not prevent voluntary contributions;<sup>41</sup> these, of course, continued to be solicited from state, county, and city officials and employes, money from these sources comprising a considerable proportion of the total fund.<sup>42</sup> In 1908 President Roosevelt dismissed one of the most prominent of the local Republican bosses from a customs collectorship for permitting the political assessment of his employes,<sup>43</sup> but during the same year the officials and employes at the state capital paid assessments amounting in some cases to two per cent of their salaries.<sup>44</sup>

With respect to voluntary contributions from individuals the Republicans have been more fortunate than the Democrats. Most men of wealth, especially since 1896, have been Republicans, partly because the fiscal policies of the Republican party have appeared to be favorable to business. Individual contributions have been secured by personal solicitation or by letter, and in this work the chairman, the secretary, the treasurer, the finance committee—if there is one—and the district members of the central committee have cooperated. Campaign contributions, it is needless

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<sup>40</sup> Dilla, p. 167; H. Welsh, "Campaign Committees: Publicity as a Cure for Corruption," in *Forum*, vol. xiv, pp. 26-38; *Detroit Tribune*, September 1, 1890, March 3, 1891, October 27, 1892, October 3, 1896; *Detroit Free Press*, September 17, 1896.

<sup>41</sup> 22 Stat. L., p. 406; *Detroit Tribune*, July 25, November 3, 1898; *Detroit Free Press*, September 18, 1896. As a Democratic politician of Detroit expressed it in 1912: "They come down here to get soft places and it's only reasonable to expect that they should help out on the campaign expenses" (*Detroit News*, September 12, 1912). A very large number of women contributed to the Ingham County Republican campaign fund in 1914, and the county chairman explained that they were employes at the capitol.

<sup>42</sup> *Detroit Free Press*, March 23, 1899, October 7, 1908; *Detroit Tribune*, August 24, October 15, 1900, September 20, 1902.

<sup>43</sup> Lincoln Avery of Port Huron (*Detroit Free Press*, October 3, 1908).

<sup>44</sup> *Ibid.*, August 27, October 16, 1908. Says one Republican ex-treasurer: "City and county employes were probably not formally assessed. Neither were state employes. But a paper was circulated and they were expected to contribute." Another Republican ex-treasurer says: "State employes have always been assessed a reasonable amount by the state central committee. The city and county office-holders and employes have always been assessed up to the limit."

to say, are not always matters of detached philanthropy or party patriotism. The composition of committees, appointments to honorary party offices, and the making of nominations have often been determined, especially prior to the introduction of direct nominations, by the possibility of securing direct or indirect campaign contributions. A man was sometimes approached and told that if he would accept a nomination his campaign would be financed. In the case of legislative candidates this form of bribery was said to be common, and it was believed that candidates for United States senator ordinarily paid the expenses of legislative candidates.<sup>45</sup>

Many contributions, moreover, were made with the expectation of receiving legislative or administrative favors. Nevertheless, twenty-five years ago the sense of party fealty was stronger than it is now, and the obligation to contribute according to one's means was more generally recognized by wealthy men.<sup>46</sup> In 1886 the leader of the Democrats started the campaign fund with a contribution of five thousand dollars,<sup>47</sup> and in the majority party the contributions were larger;<sup>48</sup> but in 1912 and 1914 the largest Republican contribution was one thousand dollars.<sup>49</sup> The party treasury is subject to those influences which affect party strength at the polls. In 1908 the Democrats had great difficulty in getting contributions, but there were three or four times as many contributors to the Republican fund as ever before.<sup>50</sup> Before 1904 the party managers seldom made public appeals for contributions; the small donation was rarely sought or received, and even since

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<sup>45</sup> The Ingham County grand jury reported in 1908 that the payment by senatorial candidates of the election expenses of candidates for the legislature was a "very common practice" (Lansing State Republican, March 16, 1908). In a conversation which I had with Ex-senator Burrows shortly before his death, he stated that he had never assisted legislative candidates in their campaigns.

<sup>46</sup> Detroit Free Press, September 2, 1908.

<sup>47</sup> Ibid., August 20, 1886.

<sup>48</sup> Ibid., November 3, 1908.

<sup>49</sup> Detroit News, October 16, 1912. Statement for 1914 in Ionia County clerk's office.

<sup>50</sup> Detroit Free Press, November 3, 1908.



1904 it has been emphasized chiefly by the Democrats.<sup>51</sup> In 1908, an exceptionally good year for the Republicans, the party had about five hundred individual contributions, but in 1914 it had only sixty-three. In that year of topsyturvy politics the Democrats had more than 1925 contributors, 957 of whom gave one dollar or less.<sup>52</sup> It seems impossible to secure definite information in regard to corporation contributions, but it is probable that corporations gave substantial amounts to both parties. The Michigan Central Railroad was in this respect most generous.<sup>53</sup>

Prior to 1913 there was no intelligent or effective legislation on party finances. The law of 1891 prohibited any contribution of money for any purpose except to defray the expenses of printing and circulating handbills and other papers or to convey sick or infirm electors to the polls,<sup>54</sup>—provisions which had the effect, not of preventing other expenditures or contributions for other expenditures, but of forcing the party managers to enter all receipts and disbursements under the head of printing and circulating documents.<sup>55</sup> The legislature of 1893 greatly extended the list of permissible expenses, and made it illegal to contribute money for other purposes than to defray these expenses. These laws had little if any effect on contributions.

From the presidential campaign of 1904 resulted an aroused public interest in campaign finance, and Democrats and reforming Republicans demanded publicity. At the close of the campaigns of 1904 and 1908 the chairman of the Democratic state committee prepared a statement of receipts and disbursements and sent it to members of the central committee, to contributors, and to candidates;<sup>56</sup>

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<sup>51</sup> Detroit Free Press, August 3, 1906.

<sup>52</sup> Statement in Ingham County clerk's office.

<sup>53</sup> Detroit Free Press, September 13, 1906; Detroit Tribune, May 29, 1902.

<sup>54</sup> Public Acts, 1891, No. 190.

<sup>55</sup> Senate Journal, 1893, pp. 49-50.

<sup>56</sup> Free Press, April 12, 1908. In 1908 the Democratic national committee had taken advanced ground, resolving to accept no contributions from corporations and none above ten thousand dollars, to publish before the election all above one hundred dollars, and to accept none above one hundred dollars within three days of the election (Democratic National Convention Proceedings, 1908, pp. 368-373).

but in both campaigns the Republicans refused to publish the names of their contributors. In 1912, candidates promised legislation on the subject of campaign finance;<sup>57</sup> and for the first time in the history of Michigan, party officials published the names of campaign contributors, this action being taken at intervals during the campaign by the Progressives and by the Democrats.<sup>58</sup>

The corrupt practice act of 1913,<sup>59</sup> now in force, provides for the filing of sworn and itemized statements of contributions; prohibits the giving of a campaign contribution to any person not a candidate or a member of a political committee; forbids the giving, accepting, or accounting of any gift in the name of any person not actually supplying the money; makes anonymous contributions unlawful; and declares corporation contributions in any form or in any manner illegal. Contributions are still received from individuals connected with corporations, and it is believed that they have the same intent and effect as when made in the name of the corporation. Michigan legislation has not put any limit to the amount of individual contributions. Money has been raised to some extent by collections and subscriptions at conventions and public meetings, a Democratic state convention in 1912 subscribing fifteen hundred dollars<sup>60</sup> and a Progressive state convention in 1913 forty-two hundred dollars.<sup>61</sup>

Data for estimating the total expenditure in campaigns are from the nature of the case unsatisfactory. It is true that the general election law of 1891 provided that statements of expenditure should be filed within twenty days after the election by the chairmen of committees and by candidates, those within the county with the county clerk and those in political divisions larger than counties with the secretary of state.<sup>62</sup> The law was ineffective, although it

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<sup>57</sup> Detroit News, August 23, 1912.

<sup>58</sup> Ibid., October 1, 13, 1912.

<sup>59</sup> Public Acts, 1913, No. 109.

<sup>60</sup> Detroit News, September 27, 1912.

<sup>61</sup> Ibid., February 20, 1913.

<sup>62</sup> Public Acts, 1891, No. 190.

was observed, at least formally, by committees and candidates of the State and the district better than by those of the counties.<sup>63</sup> The meaning of the law with respect to itemization was not clear, and as a result most of the statements filed give the expenditures in a lump sum. No serious attempt was made to enforce the law or to prosecute those who ignored it; and, as there was little public interest in expenditure, the statements became purely voluntary and in many cases were carelessly drawn and incomplete.<sup>64</sup> The provisions for publicity of expenditure were repealed in 1901.<sup>65</sup>

The corrupt practice act of 1913 restricts the expenditure of candidates to twenty-five per cent of one year's emoluments of the office sought, but places no limit on the disbursements of committees. It requires every party committee to appoint a treasurer who shall receive, keep, and disburse the campaign fund, and specifically enumerates legitimate objects of expenditure. It prescribes that within twenty days after the general election every treasurer and every candidate shall file with the clerk of the county of residence a sworn and itemized statement of receipts, disbursements, and unpaid debts. Although the law appears to make adequate provision for the enforcement of the act, there is widespread doubt as to the completeness and accuracy of the statements.<sup>66</sup> A few politicians favor a plan of state payment of campaign expenses, but there is no general demand in Michigan for this innovation, although

<sup>63</sup> At the end of the time limit in 1892 forty-one candidates in Wayne County had obeyed the law, while eighty-nine had not (Detroit Tribune, November 29, 1892).

<sup>64</sup> Detroit Free Press, November 22, 1894. Mr. Perry Belmont called this Michigan law "comparatively deficient and ineffective" (North American Review, February, 1905). As to other characterizations of this law see Gregory, *Corrupt Use of Money in Politics*, p. 15. A newspaper writer estimated in 1894 that some of the statements were cut down to twenty-five per cent of the actual amounts (Detroit Free Press, November 22, 1894).

<sup>65</sup> Public Acts, 1901, No. 61.

<sup>66</sup> One county secretary thinks that it is impossible to make them accurate. I have not considered it necessary to discuss the federal laws relating to the campaign finances of congressional and senatorial candidates, the first of which was enacted in 1910. Stat. L., vol. 36, p. 83; vol. 37, pt. 1, pp. 27-28.



the State has already assumed some functions which formerly belonged to partisan campaigning; for example, the printing and distribution of ballots.

*Campaign Expenditure.*—The provisions of the general election law of 1891 restricting legitimate objects of expenditure to the printing and circulating of literature and the conveying of sick and infirm electors to the polls were generally recognized as ridiculous and futile. On the recommendation of Governor Rich—who urged that, although it seemed wise to specify for what objects money might be expended, all legitimate objects be permitted—the legislature of 1893 legalized the following objects of expenditure: office or hall rent, postage, stationery, clerk hire, music at public meetings, speakers, transportation of committeemen, challengers, persons to inspect the registration of voters, the preparation of lists of voters in the election precincts, the printing and circulating of literature, and the conveyance of electors to the polls.<sup>67</sup>

A statement of expenditures of the Republican county committee in the Wayne County campaign of 1892 is the most detailed statement available for the early years and is probably fairly typical.<sup>68</sup> About one fourth of the total expenditure of \$4322.92 was for printing; the remainder was for the following items, which are arranged in the order of amounts disbursed: postage and mailing circulars and newspapers, rent of halls, detective service, speakers, banners and torches, challengers, office expense, canvassing illegal registrations, equipping clubs, schools of instruction for voters, bands and music, attorneys' fees, receiving returns at headquarters, livery-stable bills, stereopticon, and R. L. Polk and Company's directory. A large part of campaign expenditure has always been for the payment of workers, and for subsidies of various kinds, for cigars, drinks, and other forms of entertainment, and for the outright purchase of votes,—items which are not found in formal statements and are naturally difficult to appraise with any degree of accuracy; but in a county like Wayne in 1892 or 1896 it is

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<sup>67</sup> Public Acts, 1893, No. 202.

<sup>68</sup> Detroit Tribune, November 29, 1892.

probable that any one of the three items named would amount to as much as all the others combined.<sup>69</sup> The county committee at that time also spent some money in the naturalization of foreigners and in the payment of salaries. To illustrate the devious ways in which money may be used to influence votes—methods which are not acknowledged in sworn statements or newspaper interviews—one who helped to manage the Republican campaign in 1896 relates that in that year money from the Republican national committee repaired every Roman Catholic church in Monroe County. It has been the general belief of politicians that the Polish Catholics vote as their priests advise. Moreover a suspicion at times gained currency that money collected for a campaign fund was used by the county committee in the party primaries to perpetuate its own power.<sup>70</sup> There is unfortunately no record of the items of expenditure in the interesting state campaigns of 1892 and 1896.<sup>71</sup> In

<sup>69</sup> "In close campaigns in doubtful districts, by far the largest part of the funds goes for the direct or indirect purchase of voters" (J. W. Jenks, "Money in Practical Politics," in *Century Magazine*, vol. 44, p. 942ff).

<sup>70</sup> *Detroit Tribune*, October 27, 1892.

<sup>71</sup> A statement of the Republican state central committee in 1898 gives the general objects of expenditure and the amounts disbursed as follows:<sup>a</sup>

Speakers, travelling expenses, hotel bills, etc. . . . .	\$3102.89
Literature, printing, and advertising. . . . .	2435.55
Office expenses. . . . .	1040.92
Postage. . . . .	897.00
Telegraph. . . . .	320.62
Expressage on literature. . . . .	291.11
Telephone. . . . .	111.22

Total. . . . . \$8199.31

For comparison I add the report of the Democratic state central committee in 1912:<sup>b</sup>

Advertising and hall rent. . . . .	\$4110.91
Administration expenses. . . . .	3507.04
Printing and engraving. . . . .	1167.38
Telegraph. . . . .	817.94
Speakers. . . . .	726.39
Supplies. . . . .	619.64
Postage. . . . .	560.00
Expressage. . . . .	358.11
Miscellaneous. . . . .	286.81
Telephone. . . . .	158.69

Total. . . . . \$12352.69

<sup>a</sup> Statement filed with secretary of state.

<sup>b</sup> *Detroit News*, February 14, 1913.

other reports the items are so general that a comparison of them has little significance.<sup>72</sup>

Present-day managers have pretty generally discarded various objects of expenditures considered in the nineties essential to successful campaigning; for example, banners, distribution of newspapers, torches, uniforms, the equipment of clubs, buttons, parades, jollifications, ratifications, vehicles on election day, and schools for voters. But on the other hand such items as newspaper advertising, automobile hire, cards, cuts, posters, employment of stenographers, salaries, and films are either new or relatively more important. Changed methods of campaigning have been occasioned by legal restrictions, new inventions, rural free delivery, and rising standards of public morality and intelligence.

In the statements of individual candidates the principal items prior to 1900 were assessments, printing, postage, advertising, stationery, and travelling. Individual candidates at the present time spend most largely for advertising.<sup>73</sup> In campaigns for petty township and ward offices the chief expenditures have been for cigars and drinks, dispensed customarily after the election; and in the rare instances when the township committee handles any money its expenditures are for canvasses, challengers, and conveyances on election day.

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<sup>72</sup> Preliminary to the 1915 election of supreme court justices and university regents apparently the only campaign material that the Republicans used was 192 pages of boiler-plate.

<sup>73</sup> Fairly typical in its items, although exceptionally large in its totals, is the statement of a Republican candidate for probate judge in Wayne County in 1914: advertising, \$815.95; postage, \$308; printing, \$232.07; stationery, \$41; assessment to city committee, \$25; distributing cards, \$13; banners, \$10.30; hall rent, \$10; cuts, \$6; photographs, \$3.75; addressing envelopes, \$2; making a total of \$1467.07. This account in its distribution of expenditures does not differ much except as to banners and flags from the statement of a Republican candidate for sheriff sixteen years before, who spent for printing and advertising \$1000; for an assessment to the county committee, \$800; for banners and flags, \$600; for bills and posting, \$120; and for miscellaneous, \$300; a total of \$2820 (Detroit Tribune, November 29, 1898). A Republican candidate for county treasurer, however, in the same campaign spent out of a total of \$1603.38 little if anything for banners and flags (ibid., November 17, 1898).



According to the corrupt practice act of 1913, candidates for nomination or for election and political committees are permitted to make no disbursements except for travelling expenses and incidental personal expenses, for printing, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public messenger service, for dissemination of printed information, for political meetings, demonstrations, and conventions, for the rent, maintenance, and furnishing of offices, for the payment of clerks, typewriters, stenographers, janitors, and messengers, for the employment of the legal number of challengers, for the payment of public speakers and musicians and their travelling expenses, for copying and classifying election registers or poll lists, investigating the right of persons so listed or registered to vote and conducting proceedings to purge the registers and lists and prevent improper or unlawful registration or voting, for making canvasses of voters, for conveying infirm or disabled voters to and from the polls, and for the employment of counsel.

While a large number of statements of expenditure were filed between 1891 and 1901 and a number have been published officially or unofficially since 1901, it is nevertheless extremely difficult to reach any conclusion as to totals of expenditure. Taking the statements of committees at their face value, we see that the Republican state committee spent more in 1896 than in any subsequent campaign, and that the Democrats disbursed more than twice as much in 1892 as in any campaign since that time.<sup>74</sup> According to

<sup>74</sup> The expenditures of the state committees, as far as I have been able to secure them from official and unofficial sources, were as follows:

Year	Republican	Democratic
1892.....	\$40,641.32	\$46,286.92
1893.....	2,166.00	
1894.....	19,677.48	10,330.00
1895.....	1,665.62	
1896.....	60,332.28 <sup>a</sup>	6,775.00 <sup>b</sup>
1897.....	2,600.00	
1898.....	8,199.31	
1900.....	38,715.14	
1901.....	974.34	
1902.....	20,000.00	
1904.....	40,000.00	

the statements the Wayne County Republican committee spent its maximum in 1894, the Democratic committee in 1892.<sup>75</sup> The expenditures of individual candidates were larger in the nineties. A successful candidate for the supreme bench of the State in 1892 spent \$4048.25 in addition to an expenditure by his committee of \$7844.95. A Republican candidate for sheriff in Wayne County in 1894 spent \$8185.05. The Republican candidate for governor in 1896 reports that he spent \$4356, and the candidate in 1900, \$4657.80; the Democratic candidate for governor in 1894 admitted that he invested \$3534.54 in the venture, and an unsuccessful Democratic candidate for state treasurer in 1892 disbursed \$5000. Congressional candidates in 1892 and 1894 spent as high as \$4000. These are extreme, not average, expenditures; but the most extravagant candidates spend no such amounts nowadays. The Republican candidate for sheriff in Wayne County in 1914 spent \$451.49; the most prodigal congressional candidate in 1912 spent only \$2720.57 and in 1914 only \$2329.50; the average expenditure of Republican congressional candidates was in 1912 \$1138.63 and in 1914 \$942.24.<sup>76</sup>

To estimate the total amount spent by all candidates and committees would be a hopeless task. A newspaper writer, however, estimated in 1892 that the total amount

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1908.....	30,000.00	12,624.40
1910.....		5,000.00
1912.....	50-60,000.00	12,352.69
1914.....	8,331.03	19,889.72
1915.....	1,104.38	352.00

\* The Gold Democrats spent \$14,598.48.

<sup>b</sup> The Populist central committee spent \$896.31 and the Union Silver central committee, \$1123.30.

According to A. J. Lacey, the Democratic treasurer in 1912, the Democrats spent \$10,600 in 1904 and \$7500 in 1908 (Detroit News, October 13, 1912). In his opinion the Republicans spent more than \$90,000 in 1914 and at least that amount in 1908 (*ibid.*). The Republican figures for 1902, 1904, 1908, and 1912 are those furnished by men who were in charge of the finances in those years.

<sup>75</sup> The Republican expenditure in 1894 was \$5280.34 and the Democratic in 1892, \$5492.92. In 1896 the Kent County Republican committee spent \$6400.

<sup>76</sup> The expenditures in 1914 of the county committees and the five principal county candidates in the two typical counties which I have cited before are given in the following table:

spent by candidates and committees in Wayne County was about \$52,000, of which about half had been reported in sworn statements,<sup>77</sup>—an expenditure of about one dollar for every man who voted in the county in that election. In 1914 the expenditure in Calhoun County by Republican, Democratic, and Progressive candidates was less than fifty cents per vote.

A comparison, therefore, of the reported expenditures, with a consideration of the fact that understatement was more general in the nineties than now and that secret expenditure was much greater at that time, warrants the conclusion that on the whole, campaign expenditure is much less at the present time,—and this in spite of the fact that there has been an increase in population and in cost of living and a decrease in the number of those newspapers which formerly circulated an immense amount of ex parte campaign argument. This decrease in expenditure is due, in the first place, obviously to the fact that committees have not had the money to spend, contributions having in general been less. Publicity of campaign contributions and the prohibition of corporation gifts have tended to curtail campaign finances. Of like effect has been the general decline in partisanship; a more sober and discriminating public sentiment has made useless various methods of campaigning which were as expensive as they were picturesque; secret expenditure and graft have diminished; financial operations have become more business-like, more efficient, and less wasteful; and in the opinion of some the passing of the money question and the decline of the tariff as political

Office	Ingham		Washtenaw	
	Rep.	Dem.	Rep.	Dem.
County commissioner. ....	\$1,961.59	\$1,121.16	\$1,484.25	\$819.34
Sheriff. ....	306.49	287.10	609.00	511.27
Prosecuting attorney. ....	255.00	88.48	160.65	154.30
Clerk. ....	276.56	88.11	298.41	247.53
Register of deeds. ....	418.25	365.07	276.60	258.45
Treasurer. ....	343.42	133.82	293.95	247.85

<sup>77</sup> Detroit Tribune, November 29, 1892.



issues rob the Republicans of revenue-raising weapons. After eliminating waste and corruption, however, it is not certain that a further decrease in campaign expenditure is desirable; for if campaigns are educative the cost which they entail may be looked upon as a good rather than as an evil.

*Accounting.*—The party organization, especially in the counties, formerly exercised an extremely loose supervision over its finances. Prior to 1913 the legal requirements for publicity did not necessitate exactitude in accounting; and as the party and its candidates looked chiefly for results and paid slight heed to the means used to achieve these results, most persons in and out of the organization were indifferent to questions of financial control.<sup>78</sup> Cash contributions were handed to the chairman or to other party workers, and lack of responsibility as well as the large amounts handled furnished ample opportunity for graft. Occasionally charges of misuse of funds reached the newspapers. Candidates and committeemen were the victims of various kinds of appeals, such as those of church and charitable societies for subscriptions, of the Michigan Republican Newspaper Association for assistance, of the Progressive Colored Voters' League for the wherewithal to swing the vote of the negroes, or of one of the "boys" for ten or fifteen dollars to assist in delivering votes.<sup>79</sup> When money was being used freely many of these boys lived on the subsidies which they secured from the politicians. The corrupt practice act of 1913 not only made illegal the demoralizing practice of hiring personal workers, but also expressly prohibited solicitation by religious, charitable, or social organizations of any donation, any purchase of tickets, or any similar requests made of candidates for nomination or election.

Waste in expenditure is known to have been enormous. Accounting, such as it was, was more careful in presidential than in off-year campaigns. The state committee always had a treasurer and usually a bookkeeper. "My accounts

<sup>78</sup> Detroit Tribune, March 19, 1896.

<sup>79</sup> Ibid., February 6, March 28, 1891; Detroit News, October 18, 1910.

were kept as carefully as the books of a bank," declares a Republican ex-treasurer. "Even money for postage was paid out on voucher." Since 1904 financial management has greatly improved; and in this respect the effect of the corrupt practice act of 1913 as exhibited in the campaign of 1914 has been marked, the financial statements of the two central committees, especially that of the Democratic, giving evidence of precise and conscientious accounting and reporting. In this campaign both committees had expert bookkeepers.

The county committees have frequently dispensed with a treasurer and have rarely employed a bookkeeper. But in county and state organizations alike the trend is toward more careful accounting, more economical expenditure, and greater observance of the law. It is needless to say that the financial operations of party organizations have yielded deficits rather than surpluses, and the cancelling of debts has been one of the recognized responsibilities of the chairman.<sup>80</sup> Even at the end of the 1912 campaign, after having spent about sixty thousand dollars, the Republicans had a deficit of seven thousand dollars.<sup>81</sup> Sometimes a committee with a surplus has turned over its balance to a less fortunate committee of the same community; for even in the days of frenzied finance, campaigns were sometimes closed with a substantial balance.<sup>82</sup>

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<sup>80</sup> Detroit Tribune, March 6, 1901. The figures which follow are derived from newspaper reports which are greatly exaggerated and admittedly worthless as to specific cases, but which are, nevertheless, suggestive of the general condition. The Democratic victory in 1890, according to these reports, cost Chairman Campau \$28,000, and in other campaigns he is said to have paid bills amounting to many thousands. After one campaign Senator McMillan is reported to have paid bills for the Republicans aggregating \$27,000, and in 1901 a Tribune reporter estimated that politics had cost the senator approximately \$400,000. A former private secretary of the senator considers this estimate ridiculously exaggerated.

<sup>81</sup> Detroit Free Press, December 30, 1914.

<sup>82</sup> At the end of the 1896 campaign the Republicans had a surplus of \$3000 (Detroit Tribune, November 20, 1896). They began the 1910 contest with a balance of about \$1600 (Detroit News, October 9, 1910). After the April election in 1915 the Republicans had a balance of \$645.62, and the Democrats one of \$975 (Detroit Free Press, May 17, 1916), but at the opening of the 1916 campaign the Republican committee was in debt about \$4000 (*ibid.*, May 4, 1916).

*Speaking.*—A most important feature of political campaigns has been public speaking, and in this the Republicans of Michigan have easily surpassed the Democrats. With respect to this feature the 1896 campaign was epochal, enlisting a greater number of speakers than any subsequent contest and introducing into politics many young men who have since attained high office.<sup>83</sup> In that campaign the speaking was not only quantitatively exceptional but qualitatively of a high order. In a presidential campaign speaking has usually begun in September and in a state campaign about the first of October, reaching its maximum intensity during the final week. The purpose of speaking is not so much to convince and convert unbelievers as to hold the party members in line, harmonize local differences, and arouse partisan enthusiasm. The speaker is not so much an advocate as an ambassador. Managers usually avail themselves of three classes of speakers: candidates, local volunteers, and speakers from other States. Many local "spellbinders" have been brought out by party clubs;<sup>84</sup> some confine their activity to a ward, a city, a county, or a district, and others stump the whole State. Clubs with headquarters in Detroit, like the Republican Michigan Club, offer speakers to the party committees.<sup>85</sup> The Republican state committee has had a speakers' bureau which has taken charge of the securing and scheduling of speakers for the state campaign;<sup>86</sup> in Wayne the Republican county committee has sometimes had a committee on speakers;<sup>87</sup> and in other counties the chairman or the secretary has usually made arrangements for meetings. The scheduling of speakers has never been an easy task, influenced as it is by local social, religious, racial, and economic conditions; and assignments made by the state committee have often been displeasing to county or city politicians.

<sup>83</sup> One of the United States senators and a congressman in 1915 were men who began campaign speaking in 1896.

<sup>84</sup> Detroit Tribune, January 12, 1888, October 6, 1898.

<sup>85</sup> Ibid., September 22, 1898; Detroit Free Press, November 18, 1908.

<sup>86</sup> Detroit Free Press, September 10, 1896; Detroit Tribune, September 18, 1894.

<sup>87</sup> Detroit Tribune, October 1, 1896, November 3, 1898.



The state committee has rarely rejected speakers sent by the national committee,<sup>88</sup> although in a recent campaign the Republican managers received with no special enthusiasm an unlucky assortment of "lame ducks" from States which had gone Democratic. Differences are adjusted and conflicts avoided by conferences or correspondence, in the first place between the national and the state managers and in the second place between the state and the county managers. If not consulted beforehand, the county is notified when a speaker is scheduled to appear within the county, and the local organization is expected to provide hall, advertising, and entertainment. The national committee has usually arranged the itineraries of especially distinguished speakers like Bryan, Roosevelt, Taft, or Wilson, often after a report from the state chairman as to the places where he desired the speaker to stop; and the state committee has paid expenses within the State.<sup>89</sup> In the campaign of 1896 the Republicans had two hundred and twenty speakers, one hundred and twenty furnished by the state committee and one hundred by the national committee.<sup>90</sup> Twelve years later the Republicans had only fifty speakers, few of whom came from outside the State;<sup>91</sup> and yet in that campaign, which was comparatively quiet, four hundred and twenty-four Republican meetings were held in Wayne County under the auspices of the county organization.<sup>92</sup> In 1912 the Republicans had about the same number of speakers as in 1908 and probably even fewer from outside.<sup>93</sup>

Candidates for office, unless without means or outside their own candidacies, have usually spoken without pay,<sup>94</sup> and often in addition have defrayed their own travelling

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<sup>88</sup> In 1896 the Republican state committee rejected at least one man, a resident of Michigan, whom Hanna proposed to assign to the State.

<sup>89</sup> *Detroit Tribune*, August 26, September 6, 1900.

<sup>90</sup> *Detroit Free Press*, November 3, 18, 1908.

<sup>91</sup> *Ibid.*, August 25, November 3, 1908.

<sup>92</sup> *Ibid.*, November 18, 1908.

<sup>93</sup> *Detroit News*, October 30, 1912.

<sup>94</sup> *Detroit Free Press*, September 15, 1896. For an exception see *ibid.*, August 27, 1908.

expenses. Paid speakers, more often Republican than Democratic, have received from ten to fifteen dollars a night and expenses.<sup>95</sup> Bryan's tour of the State in 1900 is said to have cost seven hundred dollars,<sup>96</sup> and Governor Johnson's expenses in 1912 totalled five hundred dollars;<sup>97</sup> but if we may believe the newspapers a special train through the State in 1896 cost the Gold Democrats five thousand dollars.<sup>98</sup> In general, expenditure for speakers appears to have steadily decreased. According to its treasurer the Democratic state organization in 1912 did not have a single paid speaker in the field.<sup>99</sup>

Public speaking has apparently lost much of its popularity and effectiveness. Automobiles have introduced a kind of "pop-gun" campaigning, in which a large number of informal, quiet, outdoor gatherings have taken the place of the great rousing rallies of former electoral struggles. Nowadays the candidate or the stump speaker seeks out the voter, who has become more sophisticated, less partisan, and less amenable to mass influences. The decline of campaign speaking may be attributed to a variety of influences; namely, the apparent absence in recent campaigns of clear-cut party principles; the growth of independence in politics, with a disinclination on the part of the voter to be dictated to; the rise of socialism, providing intellectual satisfaction to many who formerly attended party meetings; the direct primary with its somewhat wearisome and confusing speaking campaign; new means of transportation, with a multiplying of small meetings; the increase of counter-attractions; and finally the completeness and attractiveness of the modern newspaper and magazine as a medium of political instruction. There has been a marked tendency for newspapers to become independent in politics;<sup>100</sup> accordingly as a medium of instruction they appear to be

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<sup>95</sup> Detroit Free Press, August 27, November 3, 1908. Cf. *ibid.*, July 21, 1916.

<sup>96</sup> Detroit Tribune, October 2, 1900.

<sup>97</sup> Detroit News, September 10, 1912.

<sup>98</sup> Detroit Tribune, November 11, 1896.

<sup>99</sup> Detroit News, October 13, 1912.

<sup>100</sup> See above, page 14.

safer and more adequate, at the same time ceasing editorially or in their news columns to urge the voter to attend particular meetings.

*Demonstrations.*—Consonant with recent tendencies, the more spectacular methods of campaigning—barbecues, pole-raising, ratifications, and jollifications—have passed to the limbo of things political.<sup>101</sup> In the campaign of 1892 pole-raising was numerous and was encouraged by the state central committees;<sup>102</sup> but in 1896 they were comparatively infrequent and in 1898 had become a rarity. In 1892 and to a lesser degree in 1896 important meetings and rallies were preceded by parades of loyal partisans, especially of the party clubs, many being mounted, uniformed, and equipped with torch-lights, emblems, and transparencies. According to a Tribune report, probably exaggerated, one parade in Detroit in 1896 cost fifty-five thousand dollars.<sup>103</sup> By 1904, however, the torch-light as a political argument had apparently joined the hickory pole and the roast ox;<sup>104</sup> and party parades are now rarely employed.

Ratification meetings, held usually under the auspices of party clubs and having for their purpose the public endorsement of the nominees by the rank and file of the party, were almost universal in 1888 and 1892, but after 1896 little is heard of them.<sup>105</sup> After-election ratifications, taking the form of jollifications or "blow-outs," were celebrations of victory characterized by long and incongruous processions, humorous transparencies, red fire, Roman candles, and ear-splitting noise. Michigan saw and heard many Democratic jollifications in 1892; but the Republicans in 1896 and afterward held scarcely any of these collective outbursts of partisan jubilation.<sup>106</sup>

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<sup>101</sup> A barbecue was planned for the great Roosevelt rally at Battle Creek, in 1916.

<sup>102</sup> Detroit Tribune, October 21, 1892.

<sup>103</sup> Ibid., November 10, 1896.

<sup>104</sup> For a notice of one, see Grand Rapids Herald, October 21, 1904. See also Detroit Free Press, November 3, 1908. As is well known, the parade and the torch-light were again in evidence in 1916.

<sup>105</sup> There were not many in 1896 (Detroit Free Press July 23, 29, 1896).

<sup>106</sup> For an account of a jollification in 1900, see Grand Rapids Herald, November 13, 1900.



*Literature.*—The management of the literary side of the campaign has been much like that of the forensic. Most of the committees, even some of the county committees, have prepared printed material, and the national committee has sent great quantities of literature to the state committee, which through its publicity agent, literary bureau, or secretaries, has redistributed it among the county committees and clubs. Literature has often been sent to the States and then mailed out from campaign headquarters under congressional frank.<sup>107</sup> Occasionally the national committee has sent literature directly to county committees. Probably more literature was distributed in 1896 than in any other campaign; and at the end of that campaign the Republicans, having a surplus, discussed the advisability of continuing their propaganda between campaigns, but they did not do so.<sup>108</sup> Like other features of campaigning there are no adequate statistics in regard to the amount of documentary material used; but near the end of the campaign of 1898 the Republican state chairman said that he was sending out eighteen thousand pieces of mail daily.<sup>109</sup>

The kinds of printed matter used in campaigns are various; and there is a difference of opinion as to their effectiveness, most politicians agreeing, however, that excerpts from the Congressional Record, used extensively in the nineties, are of little value. Lithographs of the candidates are still considered necessary; but buttons, which were handed out literally by the bushel in 1896, are now used to a less extent, although thousands of them have been distributed in recent campaigns. Bill-board advertising is a new and popular means of appeal, and every county committee uses hundred of posters as well as other forms of outdoor advertising. Individual candidates mail their personal cards, or have them handed to the voters; and some believe that an attractive circular or a personally signed letter sent directly to the voters is most effective.

<sup>107</sup> Detroit Free Press, October 14, 1890, September 19, 1896; Detroit Tribune, October 6, 1902.

<sup>108</sup> Detroit Tribune, November 20, 1896.

<sup>109</sup> Ibid., October 24, 1898.

To those who can not or will not read the political cartoon makes a powerful appeal. Campaign literature is either sent through the mail or is distributed from house to house. In 1908 the Republican organization in Detroit had from one to ten men in every precinct distributing literature.

*Newspapers.*—The most popular form of printed material at the present time, but one which was scarcely used at all twenty years ago, is newspaper advertising. The corrupt practice act of 1913 prohibits the publishing of any paid political matter unless it carries a statement that it is a paid advertisement, and also prohibits payment for editorial advocacy. Previous to this enactment the party managers often bought copies of newspapers and mailed them to the voters, sent in subscriptions to party newspapers in the name of doubtful voters, furnished large quantities of boiler-plate free,<sup>110</sup> and in some cases probably assisted newspapers by direct money subsidies. In return the newspaper devoted its columns to party service, made no charge for political notices and advertising,<sup>111</sup> and sent out sample copies during the campaign. Early in the nineties there were many recognized party organs, and newspapers in general were much closer to the party organizations than they are now. Campaign managers clearly perceived the power of the newspaper. "The local party newspaper is the campaigning strength of the party," said a circular of the Republican national committee in 1892; and a Republican editor who later became governor declared in 1894 that "the party newspaper . . . is to-day the greatest weapon with which political battles are waged."<sup>112</sup> In 1888 the Michigan Republican Editorial League was organized; in 1893 the Associated Democratic Press of Michigan.<sup>113</sup> With the shattering of party ties in 1896 newspapers became more independent, and party organs have now practically disappeared.<sup>114</sup> Newspaper men are said to be less active

<sup>110</sup> Michigan Press Association Bulletin, 1895, p. 35.

<sup>111</sup> Ibid.

<sup>112</sup> Mr. Chase S. Osborn (Detroit Tribune, April 12, 1894).

<sup>113</sup> Ibid., April 12, 1888; Detroit Free Press, March 1, 1893.

<sup>114</sup> See above, page 14.

in the party organizations than formerly; and although political advertising in newspapers is on the increase, there are some who believe that its effectiveness may be destroyed by the editorial policy of the paper in which it appears.

*Social Campaigning.*—After all, speeches and literature, while indispensable, have their limitations; and elections are carried by more intimate and less intellectual methods. Politicians agree that where their use is possible nothing can take the place of the personal conversation and the handshake. The pen is mighty, but it is not so strong as the campaign cigar. It would be ridiculous to attempt a definite estimate of the amount spent in electioneering treating. In Detroit the activities of many candidates consisted and still consist of a journey from one saloon to another.<sup>115</sup>

*Activities of Candidates.*—Candidates now are probably no more active in campaigns than formerly, but they are more likely to take a hand in the management of the campaign. What a particular candidate will do in a campaign, however, is determined by considerations peculiar to the man, the time, and the locality. As a matter of fact a state campaign is conducted chiefly "on" the head of the ticket, and he is expected to carry the other candidates along with him. In the counties one candidate is about as important to the party as another. "I have to work the hardest," says a county chairman, "for the candidate that I like the least." In the counties the chairman keeps in close touch with the candidates during the campaign; his usual plan is to distribute the candidates about the county and keep them moving from one part to another, meeting the voters personally and appearing on the platform at the big meetings. There is usually at least one social gathering early in the campaign, a picnic, banquet, or smoker, attended by the committees, the candidates, and the party workers.

The city candidate naturally electioneers more strenuously than does the rural. In the last four weeks of the 1908 campaign in Detroit a candidate for mayor addressed

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<sup>115</sup> W. Macauley, *Reclaiming the Ballot*, pp. 7-26.



fifty meetings aggregating fifty thousand people, and attended about one hundred dances, church fairs, and socials. This was considered the most strenuous campaign ever made for mayor of Detroit.<sup>116</sup>

*Workers.*—During the campaign the manager makes systematic provision for keeping in touch with changes in public opinion. For this purpose he supplements his corps of talkers with a corps of listeners and gatherers of information who send in reports as to the general drift of opinion, the attitude of the public toward particular candidates, and the probable vote in their districts. The state chairman keeps himself informed of local conditions through district members of the central committee and by means of correspondence and conferences with the county organizations; and in the past he has had the county, township, ward, and precinct organizations undertake systematic and comprehensive canvasses by house-to-house visitation or by the use of postal cards. Formal canvasses were most used in 1896. In that year the Republican state committee made three canvasses of the State, two of the aggregate vote and one of the disaffected vote.<sup>117</sup> In the last canvass, which was considered the most valuable, the central committee received reports from eighteen hundred precincts, which included the names of Democrats who purposed voting for McKinley and of Republicans who inclined toward Bryan. Mr. Campau, who in 1890 was Democratic state chairman, says that he personally visited during that campaign sixty-two counties, in some cases going to different parts of the county. Formal canvasses or polls, however, are expensive and are not now generally believed to be worth the cost. On this account they, like many other campaign practices, have fallen into disuse; but with their abandonment the chairman has not relaxed his efforts to apprehend and follow the drift of public opinion. A good campaign manager usually feels popular opinion by a kind of instinct; but to assist him there is often a special school-district and precinct

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<sup>116</sup> Detroit Free Press, November 1, 1908.

<sup>117</sup> Detroit Tribune, October 30, 1896.

organization which is sometimes secret and often wholly outside the county committee. The chief qualifications of precinct workers are knowledge of the political game, ability to make friends, shrewdness, and dependability. They have to be watched closely, for occasionally one sells himself to the other party. In Washtenaw County in 1914 the Democratic organization of workers consisted of about five men in each school-district and ward; the Republicans had one man in each school-district, appointed by the township committeemen, and twenty-five men in each ward. Another county chairman appointed from one to five men in each township and ward, half talkers and half listeners.<sup>118</sup>

*Getting out the Vote.*—The final and perhaps the most important task of this extra organization of workers is to get out the vote on election day; and for this purpose the organization is further strengthened and carefully instructed. The members of the Michigan Club and of the lesser Republican clubs were expected to work at the polls.<sup>119</sup> Watchers were stationed at the polls with lists of names, which they checked off as fast as the voters cast their ballots. In 1890 the Democratic state chairman's plan for getting out the vote involved the subdivision of counties down to districts comprising not more than two sections of land, each district to be in charge of a good Democrat who would personally see all fellow-partisans in his district and induce them to vote early, and would bring in with teams those not checked off by one o'clock.<sup>120</sup> In 1892, according to a newspaper estimate, the Wayne County Democratic committee had two men in each precinct to get out the vote; in 1901, when the Republicans were unusually well organized for the local campaign, they had in Detroit eight hundred volunteer workers or about seven men in every precinct;<sup>121</sup> and in 1908 the Wayne

<sup>118</sup> A Detroit manager of considerable experience believes that mail carriers are the most valuable reporters of public sentiment.

<sup>119</sup> Detroit Tribune, February 23, November 3, 1888, October 3, 1890.

<sup>120</sup> Ibid., October 21, 1890.

<sup>121</sup> Ibid., March 31, 1901.

County Republican Club had five hundred and twenty-five workers at the polls.<sup>122</sup>

The plans of the Republican state chairman in 1910 embraced the following details: the organization of precinct "Get out the Vote" clubs, the organization of the State down to four workers in each precinct, and the signing of cards by voters pledging themselves to bring one voter to the polls.<sup>123</sup> Nevertheless, as early as 1896 the use of local workers to get out the vote seems to have declined;<sup>124</sup> and at the present time in many counties there is no organization at all for that purpose. In Detroit the election-day organizations are made up largely of the candidates' personal machines. Parties in Michigan, on account of their discrepancy in numbers, have not made much effort to get absentee voters home to vote. County chairmen, cooperating with college clubs, have sometimes paid the travelling expenses of students; and a law enacted in 1915 makes it possible for voters in the military service, members of the legislature in attendance at the capitol, commercial travellers, and students to vote by mail.<sup>125</sup> The corrupt practice act of 1913 made the payment of election day workers unlawful.<sup>126</sup>

*Delivering the Vote.*—Many of these workers have been paid and are still paid, not for getting out the vote but for delivering the vote. Indeed, payments to get voters to the polls or to hand out cards on election day constituted an evil chiefly because in many cases the payment was simply a bribe to secure the worker's influence and not his legitimate services. When campaign money was plentiful it attracted many "strikers" and "heelers," petty precinct workers, saloon hangers-on, and loafers, who claimed that they could deliver a number of votes and who asked payment for per-

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<sup>122</sup> Detroit Free Press, November 18, 1908.

<sup>123</sup> Detroit News, October 11, 1910.

<sup>124</sup> Ibid., January 20, 1896.

<sup>125</sup> Public Acts, 1915, No. 270.

<sup>126</sup> In Kent County, however, Democrats assert that an item of \$848.68 charged in the 1914 Republican statement to "the distribution of posters, literature, and banners," was in reality paid to personal workers.



forming this patriotic duty. They were willing to sell their influence to either side or to both sides. A Grand Rapids politician believes that in that city there are from three hundred to five hundred men who receive money for delivering votes, each receiving twenty or twenty-five dollars for his services. The rural and semiurban counties of the lower peninsula have been pretty free from this species of graft; but in Detroit and to a less extent in Grand Rapids and in the upper peninsula there are not only many strikes on the part of men who have no power to influence votes, but there are many voters actually controlled by saloon-keepers or other petty politicians.<sup>127</sup>

I have already shown how the controlled vote in Detroit is used in the primary to nominate weak candidates in the opposition party and to aid in electoral manipulation. A recent writer in the *Detroit News*<sup>128</sup> estimates that one hundred of the two hundred and three precincts are controlled more or less completely, and that twenty or thirty of them are crooked precincts; that is, that they are delivered for money. The secretary of the Detroit Civic League, Mr. Pliny W. Marsh, states more conservatively that "there are supposed to be forty such controlled precincts."<sup>129</sup> The chief controlling influences are the saloons, of which there are in Detroit nearly fourteen hundred; and it is the general opinion of politicians that every saloon will swing on an average ten votes, making a total controlled vote of about fourteen thousand. A Detroit city official makes the interesting computation that a man's reelection depends on three factors in about the following ratio: personal popularity, fifty per cent; control of the precincts, thirty per cent; and efficiency, twenty per cent. Accepting the above estimate of the controlled vote as a fair one, it will

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<sup>127</sup> The hurtful influence of the saloon in elections was recognized in the first ballot act of 1889, which provided that elections should not be held in saloons and that no liquors should be brought into the polling-place. Later laws have provided that saloons shall be closed on election days.

<sup>128</sup> January 3, 1916.

<sup>129</sup> Government by Controlled Precincts, Pamphlet published by Detroit Citizens' League. Cf. *Detroit Free Press*, July 25, 1916.

be seen that it is large enough to hold the balance of power in most city, county, and district elections and in some state elections.<sup>130</sup>

From the fact that vote control is exercised through the saloon may be inferred the social character of the controlled districts. Many of them are river precincts, dominated by the saloon and the cheap lodging-house and populated by a mass of itinerant dock and ship laborers and others, who are "floaters" in a double sense. The most notorious of the river precincts is Billy Boushaw's, the first precinct of the first ward, in which practically every vote was controlled in the primary and the election of 1914.<sup>131</sup> Boushaw runs a saloon and a lodging-house, which together form a sort of quasi-charitable institution for floaters, who are frankly and gratefully willing to vote as Boushaw wants them to. The third, fifth, seventh, ninth, and eleventh wards, with the largest controlled vote, are likewise the wards with the most foreign-born and illiterate voters. The ninth ward, for example, which the secretary of the Civic League classes with the wards which are "pretty nearly hopeless," had in 1910 out of 6639 males of voting age 2016 illiterates and only 883 native whites of native parentage. It is worth remembering also that 50.2 per cent, or a little over one-half, of the males of voting age in Detroit are foreign-born, and of these 12.4 per cent are illiterate.

In the upper peninsula, where the foreign-born and the illiterate are numerous, there has been a pretty thorough control exercised by the mining interests and the saloons. According to a Democratic politician of good standing, representatives of the mining interests told the Democrats in 1908 that they would like to deliver the foreign vote to Hemans, the Democratic candidate for governor, and to Taft; but they were afraid that if they tried to do so the whole vote would go to Hemans and Bryan, since the voters were too ignorant to split their tickets.

Although it is true that at times the controlled precincts

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<sup>130</sup> Detroit News, January 5, 1916.

<sup>131</sup> See above, page 106.

vote for different candidates and to some extent neutralize one another, they are in most cases pretty thoroughly unified and throw their entire strength to one side. Probably the chief unifying factor is the Royal Ark, an organization of retail liquor dealers, which appoints ward captains and endorses candidates.<sup>132</sup>

In the price paid for the precinct the saloon license is usually an item; in addition there may be a money payment or a petty job.<sup>133</sup> The chief Democratic politician and reputed leader of the bipartisan combination is a judge of the Recorder's Court, a man eminently respectable in private life and in some respects a man of ideals in public life; his chief henchman, the chairman of the Democratic county committee, is a young lawyer who handles an exceptionally large number of criminal cases; and, according to an ex-prosecutor of Wayne County, eighty-eight per cent of the criminals are connected in some way with the saloons. Of course there is nothing formal with respect to the arrangements for controlling and delivering the precinct vote. The candidate may frequent the saloons, not necessarily to drink but to make friends and to "set 'em up"; there may be a tacit understanding that favors on election day will be rewarded later; and word may be passed along that he is "right" and a "good fellow."

On election day there are four chief methods of influencing and delivering the vote: friendly persuasion, bribery, assistance in marking ballots, and fraud on the part of the election board. Bribery diminished greatly with the adoption of the secret ballot,<sup>134</sup> and has since steadily decreased; but it still persists among the foreign-born, the negroes, the illiterate, and the morally submerged. The buying of votes

<sup>132</sup> In the primary campaign of 1916 it endorsed candidates for governor and lieutenant-governor. "The Royal Ark—the organized booze ring of Detroit—is the most vicious factor in our politics today; not satisfied with Detroit control they want to run the state of Michigan" (Political advertising of F. B. Leland, newspapers, August 28, 1916).

<sup>133</sup> Detroit has issued twice as many saloon licenses as the state law permits.

<sup>134</sup> For instances of early bribery in Michigan, see Jenks, pp. 945, 947, 949.



in the smaller cities and in the normal counties practically came to an end ten or twelve years ago.

Wherever there are many illiterates the assisting of voters in the booth permits the precinct boss to see that the ballots are marked as he wants them marked. In some of the controlled precincts as many as seventy-five per cent of the voters are assisted in marking their ballots, and assisting is now one of the most serious evils in Detroit elections. Prior to 1915 the law provided that any man professing to be illiterate or physically disabled might ask for and receive assistance in marking his ballot by some member of the election board. An improved law passed in 1915 places restrictions on assistance, and prescribes that the assisted voter shall swear either that he cannot read English or that he is physically disabled; that the election officers shall keep a list of the persons assisted, with the reasons for the assistance; and that all ballots cast by assisted voters shall be marked for identification, as in the case of a challenged vote.<sup>135</sup>

The evil of assisted voting can be minimized by restricting the circumstances under which assistance may be given; for example, by prohibiting the assisting of any voter not physically disabled, as was proposed by a member of the constitutional convention in 1907, or by insuring the supervision of the marking of the ballot by a hostile partisan or non-partisan witness. The law has aimed at oversight of assistance by providing that the marking of the ballot should be observed by a challenger of another party. To guard the party's interests at the polls, accordingly, each party, and at times other organizations, have selected challengers, ordinarily one or two for each precinct, the chairman of the party committee providing them with credentials and in some cases assembling them before the election for careful instruction. The challenger's duty was not always simply to check illegal voting, but was also sometimes to bluff and intimidate voters, or by indiscriminate challenging to delay the voting. Bipartisanship in the city of Detroit, however,

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<sup>135</sup> Civic Searchlight (Detroit), May, 1915; Public Acts, 1915, No. 141.

practically made the legal provision for oversight of assistance by challengers a dead letter; and the further provision that civic organizations might put challengers in the booths was usually nullified by the refusal of the election board to accept credentials issued by these organizations and by the lack of support on the part of the police. The law of 1915 provides that challengers appointed by civic organizations shall present their credentials to the city clerk, who shall send certified copies of the credentials to the election boards. If the police commissioner cooperates in enforcing the new provision it will do much to minimize the evils arising from assistance, as well as other election frauds; if police support is not accorded, civic organization representatives will be excluded from the booths as they have been in the past.

A fourth method of delivering the vote is by means of fraud on the part of the election board; for in the controlled precincts the election board consists very often of the precinct boss and his henchmen. The election board of six members is named at the direct primary, three from each party; and since they count the ballots at the primary as well as at the election they are able by fraud to continue themselves in office almost indefinitely, and the bipartisan character of the boards is of no practical importance. In the general election of 1914 the board in Batty McGraw's precinct, the fourth of the ninth ward, consisted of a saloonkeeper with his two bartenders, another saloonkeeper with his bartender, and a machinist. At the election of 1914 this board practiced apparently every known kind of election-day fraud, including remarking ballots and voting absentees.<sup>136</sup> It is impossible to say to what extent the

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<sup>136</sup> Government by Controlled Precincts. "Among numerous frauds practiced and of which we had tangible evidence was the changing of marks placed on the ballots by the voter, the marking of ballots for candidates for whom no vote had been cast by the voter, the fraudulent entry of names on the poll-book of men who had not actually voted, the voting of men no longer resident in the city, the illegal marking of ballots for the voters by election officers on the ruse that the voter could not himself mark his ballot, and a great variety of others" (Third Annual Report Secretary Detroit Citizens' League, in *Civic Searchlight*, June, 1915).

election boards have carried their fraudulent practices, but what happened in McGraw's precinct is typical of what happened in thirty or forty other precincts. Congressman Crampton believes that the defeat of woman suffrage in November, 1912, by the narrow majority of seven hundred and sixty in a total vote of about half a million was due to manipulation by Detroit election boards.<sup>137</sup>

A change in the method of selecting election boards has long been demanded and is embodied in a charter amendment which was adopted by popular vote at the 1916 primary. This amendment, which was initiated by the Citizens' League and formulated by a Citizens' Charter Committee appointed by the mayor, creates a city election commission composed of the city clerk, the corporation counsel, the senior police justice, the recorder, and the president of the civil service commission. This new commission will appoint for each election district three registrars and three inspectors of elections; the latter must be resident electors "who hold no other public office or employment, and who are of good moral character, able to read fluently and write legibly the English language, who are familiar with the four fundamental rules of arithmetic and who are mentally and physically fit to discharge the duties of their office."<sup>138</sup> The election boards will be chosen by lot from a list of fifteen hundred men. The election commission will have power to reassign, remove, or prosecute registrars and inspectors, to purge the registration rolls, to change the boundaries of election districts, and to act as a board of city canvassers. The Citizens' League hopes that this charter amendment will abolish the controlled precinct; for "it interferes with the activities of the precinct gang by making it impossible for them to know with whom they are to work on election day. . . . It aims to prevent frauds being committed instead of permitting them and then attempting to prosecute the guilty parties afterwards."<sup>139</sup>

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<sup>137</sup> Letter of February 8, 1916.

<sup>138</sup> Charter Amendment, Sec. III.

<sup>139</sup> Civic Searchlight, July, August, 1916.



Since the enactment of the first secret ballot act in 1889 conditions surrounding the casting and counting of the ballots have vastly improved. Prior to that law a large amount of party activity was concentrated at the polls. Tickets were printed by the party and distributed at the polls by its workers, votes were bought openly and delivered in full sight of the buyer, and often bogus Republican tickets were circulated by Democrats, or vice versa.<sup>140</sup> The first election after the law was passed was much quieter and more orderly than preceding elections;<sup>141</sup> and the law of 1891, prescribing that ballots should be printed at state expense, brought further improvement.

The decline in partisanship, many indications of which have been noted, asserts itself in an increasing number of split tickets. In controlled precincts ticket-splitting may be an evidence of vote-trading, of dependence rather than independence; but outside of these precincts it is in general a sign of healthy discrimination and independent judgment. The attitude of party organizations themselves toward ticket-splitting has changed. In 1888 a Democratic politician in Detroit offered a one hundred dollar silk banner to the ward club polling in its ward the largest number of straight Democratic votes;<sup>142</sup> but in 1912 a Republican county chairman openly told men gathered in public meetings how to split their tickets so as to vote for Roosevelt presidential electors and the Republican county candidates; and what was done openly by this chairman was done under cover by other chairmen. Even the Republican state chairman in 1912 declared that he paid little attention to Taft in that campaign but worked for the election of the state ticket. Twenty years ago Governor Pingree, boasting of his independence in voting and preaching it as a civic duty, was a political freak; but today the public men are numerous who frankly admit that they usually scratch their party ticket. In 1896 the Democratic state chairman com-

<sup>140</sup> Detroit Free Press, November 2, 1886, November 5, 1888; Detroit Tribune, November 1, 1886.

<sup>141</sup> Detroit Free Press, November 5, 1890.

<sup>142</sup> Ibid., November 5, 1888.

puted the number of doubtful voters in Michigan as "close to" fifty thousand;<sup>143</sup> in 1908 about seventy-five thousand voted for the Republican candidate for president and the Democratic candidate for governor; in 1912 there was an extraordinary number of split tickets; and now some politicians make the broad assertion that all voters are doubtful.

*The Vote.*—Has the decline in partisanship and in organization resulted in a numerical decrease in the vote? It must be admitted that failure to go to the polls is not necessarily a neglect of civic duty. The average voter, whether he goes to the polls or not, is indifferent to a large number of names on the ballot, and if he is ignorant of the candidates it is not certain that he discharges his obligations better by voting than by staying at home. A decrease in the vote, moreover, may represent the large number of ignorant or indifferent voters who, in a time of more effective party organizations, voted according to the general drift of opinion or the behests of a party manager rather than according to their own reasoned wills. Furthermore, the stay-at-home vote may be a deliberate, organized, and legitimate method of aiding or injuring a candidate, and may defeat a candidate as it did in 1890.

It is not certain, however, that there has been any decrease. There are some influences the effect of which should be to increase the vote; for example, the urbanization of the State, putting a larger proportion of the voters within easy reach of the polling place, and, similar in effect, better roads and the use of automobiles. A definite conclusion, however, is practically out of the question. Prior to 1900 the census reports do not include statistics of the number of potential voters; that is, males over twenty-one, excluding aliens. A comparison between 1900 and 1910 is of little value because 1900 was a presidential year and 1910 an off year, and a year of Republican apathy besides; so the fact that eighty-three per cent of the potential voters went to the polls in 1900 and only fifty per cent in 1910 is not *prima facie* evidence of much significance. Moreover, the

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<sup>143</sup> Detroit Tribune, October 1, 1896.

weather has a marked effect on voting, especially in the rural districts. Nevertheless a comparison of the vote in certain counties and groups of counties is not difficult and yields some suggestive results.

PERCENTAGE OF MALES OF VOTING AGE, EXCLUDING ALIENS, VOTING IN THE ELECTIONS OF 1900 AND 1910.<sup>144</sup>

	1900	1910
Foreign-born and illiterate counties <sup>a</sup> . . . . .	84.2	50.2
Native-born and literate counties <sup>b</sup> . . . . .	85.3	57.1
Rural counties <sup>c</sup> . . . . .	85.4	53.2
Kent County <sup>d</sup> . . . . .	92.8	42.9
Wayne County <sup>e</sup> . . . . .	77.2	45.8
Good wards in Detroit <sup>f</sup> . . . . .		47.+
Bad wards in Detroit <sup>g</sup> . . . . .		46.+
The State . . . . .	83.5	49.9

<sup>a</sup> Alger, Baraga, Iron, Mackinac, Cheboygan, Presque Isle, and Schoolcraft. These seven counties had the largest percentage of foreign-born and illiterate.

<sup>b</sup> Calhoun, Hillsdale, Ionia, Lenawee, Livingston, St. Joseph, and Washtenaw. These seven counties had the smallest percentage of foreign-born and illiterate.

<sup>c</sup> Barry, Clinton, Hillsdale, Lapeer, Livingston, Montcalm, and Van Buren.

<sup>d</sup> Containing the city of Grand Rapids.

<sup>e</sup> Containing the city of Detroit.

<sup>f</sup> The first, second, and seventeenth.

<sup>g</sup> The fifth, seventh, ninth, and eleventh.

The percentage voting was higher both in 1900 and in 1910 in the seven counties having fewest foreign-born and illiterates than in the seven counties having the largest number of those persons. The seven counties most predominantly rural had a markedly higher percentage in both elections than had Wayne County, which is the most urban. Kent County, which is also largely urban, outran the rural counties in 1900 but fell behind them in 1910. Altogether the comparison shows that, in these two elections at least, the farmers voted better than the city residents and the literate better than the illiterate. It will be noted also that in 1910 the four worst wards in Detroit cast forty-six per cent of their potential vote. The two best wards, the first and the second, cast only forty-three per cent; but the

<sup>144</sup> Cf. W. C. Hamm, "A Study of Presidential Votes," in *Political Science Quarterly*, vol. xvi, p. 59.



seventeenth ward, a district inhabited by men who have given their names to automobiles and who are supposed to be especially remiss in their civic duties, cast fifty-six per cent of its vote and raised the percentage for the three good wards to forty-seven per cent, slightly better than the vote in the bad wards.

In six counties, selected on account of their low percentage of foreign-born, their slow growth, and the presumably constant ratio of voters to total population, the highest percentage voting in twelve census years from 1854 to 1910 was in 1884,<sup>145</sup> when the percentages were so high that they suggest underenumeration by the census-takers. With the exception of 1890, the year of a close gubernatorial contest, the percentages have always been lower in off years than in presidential years. The lowest percentages were in 1910.<sup>146</sup>

On the whole, then, although it is possible that voting in the State is not so general as in the past, the figures which have been presented do not support the common assertion, which casual observation often appears to warrant, that the best citizens do not vote in elections as faithfully as do the worst.

<sup>145</sup> The presidential elections of 1888, 1892, and 1896 are not included in the comparison. In 1896 the vote was exceptionally heavy.

<sup>146</sup> The following table gives the percentage of the total population in selected counties voting in the census years from 1854 to 1910:

	Allegan	Barry	Calhoun	Kalamazoo	Kent	Washtenaw
1854	20	10	17	17	17	17
1860	21	21	22	21	20	22
1864	18	19	20	20	19	21
1870	14	14	15	15	14	17
1874	15	15	14	18	14	19
1880	22	24	23	23	22	23
1884	31	37	36	35	34	36
1890	20	21	19	22	21	21
1894	16	22	16	18	16	22
1900	23	28	25	25	25	22
1904	19	26	21	23	20	22
1910	12	18	13	14	11	19

## CHAPTER VII

### CONCLUSIONS

Although the great national party organizations continue quadrennially to persist and to function with apparently almost undiminished vitality, an examination of party activities in Michigan and within its lesser political subdivisions reveals striking and significant changes.

*Legislation.*—Legislation affecting party organizations has passed through five phases: (1) the recognition of the party, implied or expressed in the first primary and ballot laws; (2) the control of elections, the enforcement of secrecy in voting, and governmental assumption of certain party functions at the polls, such as the printing and distribution of ballots; (3) the regulation of various features of the customary nomination procedure; (4) an awakening to the failure of regulation, and the establishment of a direct method of nomination, including a considerable simplification of procedure, individual initiative in candidacy, governmental supervision of voting, and detailed legal safeguards which are not only included in the primary laws themselves but are also included in special comprehensive corrupt practice acts,—all having the purpose of introducing popular control of the parties, on the one hand by means of democratic machinery and on the other hand through the elimination of undemocratic influences; and (5) the cessation of wholesale reforms, the appearance of some signs of reaction,<sup>1</sup> and the beginning of an era characterized by the absence of propaganda, denunciation, and excitement, and by the amending and perfecting of old laws, especially of corrupt practice laws,—these changes showing on the whole a purpose to encourage the independence and the free expression of the electorate.

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<sup>1</sup> See above, page 68.

During the period, therefore, there has been a steady legislative trend toward governmental control of the party, toward the democratizing of the organization, toward the simplification of party processes, and toward the emancipation of the voter from dependence on the party organization. Besides these laws having to do specifically with nomination and election processes, statutes have been enacted which provide, under limitations which need not be explained here, for commission government in cities and non-partisan municipal elections, for various non-partisan or bipartisan boards, and for the initiative, the referendum, and the recall.

The laws to which I have referred had to meet in the process of enactment many difficulties not encountered by ordinary legislation, especially complications arising from the activity of party leaders. To one engaged in drafting an election or a nomination bill a purely objective point of view was impossible; a legislative enactment was looked upon as a factor in the next campaign, as a weapon to use against other parties, or as a piece of machinery to manipulate. The law of 1891 for the choosing of presidential electors by districts, the anti-fusion act of 1894, the presidential primary law of 1912, and the central committee act of 1913 illustrate this lack of detachment and objectivity. In a class of legislation which seems peculiarly appropriate for preliminary investigation by a commission of experts no commission was ever appointed, and possibly no experts are to be found. The influence of outside leaders on members of the legislature has been opportunistic and unscientific. Moreover laws relating to party organizations have encountered special difficulty in enforcement; for those who administer the laws are often closely affiliated with those who break them.

It appears to be accepted that the act of voting should be secret;<sup>2</sup> that election machinery should be controlled by the government; that party finance should be given publicity; that corporations should as far as possible be divorced from party management; that with regard to the election of

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<sup>2</sup> Cf. Croly, p. 341.



certain officials,—for example, judicial, educational, and municipal officers,—partisanship should as far as possible be eliminated; and that in general, independence should be encouraged.

On the other hand it is still unsettled whether nominations should be direct or indirect; whether, if direct, the primary should be open or closed; what officers should be elected and what appointed; to what extent the financial operations of parties should be restricted; and, most fundamental of all, whether the tendency toward the weakening of state party organizations should be assisted or opposed. Furthermore the question how and to what extent nominating methods influence the type and quality of candidates, and whether means may not be devised to induce a better class of men to offer themselves for office, seems a proper subject for legislative discussion; but this subject, admittedly a delicate one, is seldom if ever mentioned. It is not surprising, therefore, that the results of legislation have been in some respects unexpected and in many respects disappointing.

The sophistication and clarification of the public mind, the growing understanding of the place of the party in government, and the awakening civic conscience which this legislation tardily reflected found wholly inadequate expression in internal party reform. In a few cases, it is true, local party organizations attempted to put into effect the principle of direct nominations prior to its adoption by the legislature; but in general those agencies which are supposed to make public opinion articulate revealed in their structure and practice a most feeble reaction to the prevailing public opinion.

*Oligarchical Tendencies.*<sup>3</sup>—This lack of response to public opinion is largely explained by the tendency of a party to adopt or develop an oligarchical and conservative type of organization. Hardly one of those features which we commonly associate with the flexibility, the responsibility, and the checks of popular government could have been

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<sup>3</sup> Compare a suggestive discussion of oligarchical tendencies within political parties in R. Michels, *Political Parties*.

found in the party organizations prior to their legislative reconstruction. They had generally nothing in the nature of a constitution; except with respect to their nominees they paid slight heed to the idea of rotation in office; control of the primaries and of conventions by office-holders and committeemen led to cooptation and long terms;<sup>4</sup> there was almost no attempt to establish separation of powers; there were no two-chambered bodies; there was rarely any method of securing popular control by means of initiative, referendum, recall, publicity, submission of official reports, or even removals; party practice rested largely on mass-action and tended, therefore, to necessitate and magnify leadership, and at the same time by means of the unit rule, slates, instructions, the power of the chairman and of committees, and other methods, it effectually stifled individual action; the principle of regularity was a principle of conservatism and tended to preserve the status quo; party revenues were derived from a few; the chief check on misgovernment and usurpation, a bolt or an electoral defeat, was imposed on the party from without, was uncertain in effect, and constituted at the best a negative and illogical corrective; and, finally, every important selection in the organization was indirect, from one to three times removed from the people, and the personnel of the conventions which performed the selecting function was unrepresentative.

The Democratic organization was in most respects as oligarchical as the Republican; and the rare differences which appear in the two organizations were due to the contrasting philosophies of the two parties, to their difference in numerical strength, or to adventitious circumstances.

The minor parties have been more democratic in their internal affairs than have the major parties; their conventions have been characterized by a more representative

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<sup>4</sup> One man dominated the Democratic state organization from 1892 to 1908; and in the Republican organization the chairman and the secretary held office continuously from 1900 to 1910. See above, page 89 and note.

membership,<sup>5</sup> greater freedom of individual expression, fewer instructions and fewer slates, less evidence of manipulation and management, and more deliberation and decorum; but these conditions have arisen from the fact that these parties have not attracted professional politicians, wire-pullers, and moneyed men, and have attracted political amateurs with a burning desire for individual utterance. Their conventions, moreover, have been small and in many cases mass conventions. Sometimes, however, conditions in the minor parties resulted from avowed attempts to introduce voluntarily more democratic methods. Their committee systems have been constituted exactly or almost exactly like those of the major parties.<sup>6</sup>

It is true that the party primaries under the discredited convention system of nomination were in theory as democratic as the New England town-meeting; but in practice they more nearly resembled an eighteenth century election at Old Sarum. Moreover such campaign features as clubs, barbecues, pole-raising, rallies, ratifications, and jollifications, which have now partly or wholly disappeared, were on the surface evidences of local initiative and popular participation; but in fact they were seldom spontaneous, were often shams, and were usually planned and engineered by the party managers.

In the place of what may be termed the natural oligarchic organization of the party the direct primary laws have introduced artificial democratic machinery. Although they have not deposed the professional manager, they have taken from him his most prized powers and have made him the appointee of the candidate, thus reversing the former relation. Since the candidate is simply a self-assertive individual who steps out of the ranks and gathers around him a following which is one of several factions and often merely a minority of the party membership, his con-

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<sup>5</sup> In the Peoples', Prohibition, and Socialist parties women have appeared in conventions and committees; in the Prohibition party clergymen have been active; and in Progressive conventions doctors were conspicuous, three classes seldom taking a noticeable part in the work of major party organizations.

<sup>6</sup> With the exception of the Socialist Labor party.



trol is ephemeral and decentralizing and encourages insubordination. From the point of view of the politician who had under the convention system of nomination opportunity for secret counsel and for the development of strategic policy, direct nominations are haphazard, inefficient, and anarchic. Recent legislation has done away with the town-meeting type of self-government by localities and with mass action, and has set up in its place a direct democracy of petitions and ballots. Where there are few contests for nominations, as in the Democratic and minor parties, oligarchical management tends to persist, characterized by centralized control of nominations, permanency of tenure of party officials, slight popular participation in the primaries, and the advantages of efficient and tactical management.<sup>7</sup> In the majority party, on the other hand, the people have their way, obtaining results that often dissatisfy themselves and disgust the politician.

The direct primary will not achieve its democratizing purpose if it is capable of yielding in the major parties to the oligarchical tendencies which have appeared heretofore in every party organization. To make impossible the development of oligarchy it would seem necessary not only to impose new machinery on the party, but also to remove those conditions out of which oligarchical control naturally grows. Among these conditions are human nature and the personal, feudalistic ties of friendship, charity, mutual aid, and patronage; social heterogeneity; the adaptation of party machinery to a variety of political subdivisions; the indifference of the masses to party functions; the multiplicity of offices; financial resources contributed and spent by a few; and the practical demands of strategy and efficient management.

Legislation has greatly restricted the power of those who contribute and spend the party revenue; it ignores for the higher offices political subdivisions like wards, townships, and counties; and it has considerably increased the interest of the rank and file of the party. In so far as it has done

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<sup>7</sup> See above, page 121ff.

these things it has apparently removed some of the root causes of oligarchy. The increasing number of small financial contributions, for example, is an indication of the democratic counter-tendency. But, on the other hand, legislation has not yet grappled with human nature or the personal feudalistic ties; social heterogeneity due to immigration and urbanization seems to be increasing rather than decreasing; the ballot is becoming longer rather than shorter; and as long as parties are fighting organizations they tend to develop arrangements best adapted to tactical and efficient management.

Where the party is a truly responsible agent in government the correct theory seems to be that the act of nomination is not only an act of tentative appointment to public office, an appointment subject to popular confirmation, but is also an act of quasi-legislation: the selecting of that which shall be a voice and an embodiment of party principles. Nomination, therefore, viewed from the standpoint of an insider, one who is immediately concerned with party welfare, is a commissioning not so much to do certain things as to represent certain things and to make a particular appeal. In the past a man of commanding personality has sometimes captured a party and impressed his own ideas upon it, and wealthy candidates have bought nominations; but when making their nominations consistently with the logic of party government leaders have preferred a man who could at once speak without the embarrassment of a contradictory past that which party traditions and party strategy seemed to demand. The party, when directed by able generals, has usually preferred a conforming man, a regular, sometimes a silent man. Under these conditions the act of nomination is a final act of party policy, the rerooting of an old organization in new electoral soil. A candidate is expected not only to capture an office, but to repair and strengthen the party structure without altering its foundations. Moreover, as has been pointed out, the act of nomination is a move on the political battlefield, and is conditioned not only by the traditions and the internal re-

quirements of the party but by the manoeuvres of its enemy. Accordingly government by parties appears to suggest that nomination should not be spontaneous and popular but should be a delegated and specialized function.

The work of organization, nomination, and management has demanded and developed specialists with their own distinctive methods, codes of honor, terminology, and shortcomings. The present tendency, however, is to drive specialization out of this field, in contrast with the trend in other fields and in other departments of politics toward increasing specialization. The party organization secured its strength, unity, and efficiency at the price of popular control. Recent legislation, in stressing popular control, sacrifices unity and efficiency. The problem of party organization, therefore, if parties are to be preserved, is the problem of reconciling democracy with efficiency.

The short ballot in state and local elections will, by doing away with the multiplicity of offices, remove one of the root causes of strong centralized party organization, and in this respect it is strictly in line with other recent legislative tendencies. The numerous elective offices in the State, counties, and cities have been used, like the appointive offices, to reward the party workers; and the fact that in the case of the elective officers the appointment has been made before the election has been a negligible check on the party leaders, because in most cases the head of the ticket is the only candidate whose subjection to popular criticism and confirmation is anything more than an empty form.<sup>8</sup> These various elective state and county offices have had no necessary relation to the objective realization of party purposes, but have been used to keep a working organization alive and to give it local rooting. If these offices are made appointive instead of elective they may be used somewhat more effectively as rewards, and may stimulate more fealty and industry within the organization, since the payment

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<sup>8</sup> The Socialists recognize the real location of the appointing power, and carry party government to its logical conclusion when they require their candidates to deposit their resignations with the party officials.



will not be made until after the work is done; but in general their usefulness to the party will be little affected. If the party, however, is deprived by a merit system of the power to give these offices, its resources will necessarily suffer. The short ballot, moreover, in magnifying the importance and the attractiveness of a few elective offices will be likely to encourage contests and factions, to make discriminating voting and the splitting of tickets easier and more common, and to encourage to become candidates a class of men who will adopt non-partisan standards of appointment and in other respects act independently of the party managers.

There are in spite of democratizing legislation many indications in Michigan of the continued existence or the recrudescence of oligarchical organization; and the purpose of this legislation, however valid that purpose may be, will be defeated if the machinery which it sets up can be so manipulated as to prevent public opinion from securing faithful expression in nominations and elections. With more complicated machinery, more legal prohibitions and penalties, more publicity, a generally higher standard of political morality, and greater independence on the part of newspapers and of the electorate, methods of control and manipulation have changed. Under the old régime there was more downright buying and selling of votes and influence, more intimidation, more use of force, more deft resort to the apathy of the intelligent and to the pliability of the ignorant, more crude appeals to shibboleths and to personal and party loyalty. The success of the manager under the old system may find a partial explanation in the psychology of the crowd; for every convention was a crowd. The direct primary, however, has separated the crowd into individuals, who must be acted upon more subtly by methods which deceive the intellect rather than by those which arouse the emotions. The politicians have had too short a time to adapt themselves to changed machinery; but the new methods of control and manipulation show themselves with some clearness in Detroit. In view of the

fact that the control of the vote in Detroit is largely based on personal allegiance, it is significant that the movement against this control is accompanied by a movement for non-partisan city elections. Theoretically, non-partisanship does not necessarily imply the destruction of the feudalistic element which lies at the base of the control and manipulation of votes, and in practice it may even accentuate the influence of that element. Nevertheless, the adoption of the machinery of non-partisanship presumes a frank and intelligent facing of facts, a recognition and an employment of the forces which actually determine elections, and a state of mind on the part of the public which in its essence is hostile to all kinds of blind and unreasoning allegiance, personal as well as partisan.

*Popular Attitude Toward Parties.*—Public opinion has not only criticised the internal arrangements and functioning of the party, but has also with growing boldness questioned the right of the party itself to exist. Formerly it seems to have been widely felt that the party was an end as well as a means, and that it was something to which a citizen owed obligations. Conditions under which the politicians and many of the voters of a quarter of a century ago cast their first ballots tended to raise partisanship to a level with religion and to make it synonymous with patriotism. The habit of calling to the aid of the party a past which was unchanging and was rich in emotional appeal was fruitful in unifying and disciplining effects. With the passing of Civil War tradition the time became ripe for an understanding of the true place of the party and of the realities of its organization.

In 1891 the Democratic Free Press declared editorially: "The prohibition which the Governor urges on ticket-peddling outside the booths is pretty near the line of undue interference with the freedom of the voter, but we think, on the whole, it may be a justifiable interference."<sup>9</sup> In 1894 the Republican Tribune delivered this editorial pronouncement: "The bolter is essentially a political free-

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<sup>9</sup> January 15, 1891.

booter. . . . Men treat party affiliation too lightly. It is a sentiment as honorable as patriotism, and its preservation is scarcely less important. . . . There is no difference in kind between the person who, if he is defeated at the polls, secedes from the government, and him who, having got the worst of it in a convention, bolts."<sup>10</sup> On the eve of the 1896 campaign this same paper declared: "We should say that the first test of a Republican aspirant for office was not the test of his belief in regard to the tariff or in regard to silver, but the test of his unwavering determination to support the ticket nominated, whether it included himself or not."<sup>11</sup> Even as late as 1903 a member of the legislature said: "The Colby bill seeks to dictate the machinery of party organization. . . . An unwarranted interference in non-governmental functions."<sup>12</sup> Statements such as these sound strangely foreign today, for public opinion and legislation, the first phase of which was to recognize parties, are now in their present phase attempting to induce the voter not to recognize them.

*Growth of Independence.*—Independence, the mental attitude which dominates public opinion and legislation, may manifest itself in doubtfulness, in a disinclination to confess allegiance to a party, in the splitting of tickets, in bolting, third-party movements, and local independent parties, or in apathy and indifference to party activities. The passing of tradition, the secret ballot, the abuses of oligarchical control and popular understanding of these abuses, the corrupt influence of corporations, federal civil service reform, the direct primary, the disappearance of party issues, the stressing of efficiency and business administrations, the supplanting in political discussion of constitutional and governmental questions by social and economic questions,<sup>13</sup> each of these has contributed to the increase of independence. Of similar effect have been specific events, such as the epochal campaign of 1896 with its

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<sup>10</sup> September 18, 1894.

<sup>11</sup> March 28, 1896.

<sup>12</sup> Detroit Tribune, April 9, 1903.

<sup>13</sup> Cf. Haynes, pp. 472-475.



breaking of old allegiances, the fusions of that and subsequent campaigns with disregard of party lines and cheapening of party names, the formation of the Progressive party in 1912, and such recent movements as those for socialism, trade unionism, prohibition, and woman suffrage, forming strong organizations outside of the old parties and engrossing the enthusiasm, loyalty, and resources of many voters. Practically all forms of independence have become increasingly evident in Michigan politics. Nowadays a candidate's record as a strict party man appears to be of little importance.<sup>14</sup>

Legislation has assisted independence by providing for blank spaces on the ballot on which the names of independent candidates might be written or pasted, for the use of the direct primary by new parties or by independent organizations, for non-partisan boards, for the admission to the polls of challengers appointed by civic organizations, and for non-partisan elections in cities having the commission or manager form of government. For a considerable time most villages and some townships have in their elections disregarded party distinctions, and in cities other than those with commission or manager charters and in various judicial circuits the voters have at times ignored party lines. Citizens' parties first became conspicuous in local elections about 1900. In 1906, with no legalized non-partisan machinery, out of fifty-seven elected mayors twelve were non-partisan.<sup>15</sup> In 1907 there were two parties in the Grand Rapids primary, the Liberal and the Church, a division not uncommon in city and village elections, along moral rather than political lines.<sup>16</sup> The disadvantages of the party-column ballot were pointed out by the attorney-general in 1895;<sup>17</sup> ten years later the office-column ballot was advocated by newspapers, municipal reformers, and members of the legislature;<sup>18</sup> and in 1913 this method of

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<sup>14</sup> See above, page 165.

<sup>15</sup> Detroit Free Press, April 4, 1906.

<sup>16</sup> Grand Rapids Herald, March 11, 1907.

<sup>17</sup> Report, 1895, p. 158.

<sup>18</sup> Detroit Tribune, March 11, May 2, 5, 1905.

encouraging independence was recommended by Governor Ferris.

The growth of independence, with the retention and legalization of party organizations, complicates nomination. The closed primary would seem incompatible with the existence of a large number of independent voters, for it practically excludes them from any part in the nominating process; and, as a matter of fact, the absolutely closed primary has been abandoned in Michigan. On the other hand, under the open primary there are two evident results: The candidates in bidding for the independent vote emphasize their own independence, and the voters in crossing and recrossing party lines tend to obliterate those lines.

*Weakening of Party Organizations.*—Among the many symptoms of a decline in strength of party organizations are factionalism; decreasing campaign expenditure; fewer party clubs, speakers and gatherings; disappearance of party organs, bipartisan combinations, and vote-trading; insubordination, indifferent committees, fewer workers, and a general lack of unity, loyalty, and enthusiasm. As a matter of fact the government of the State is not true party government. Caught, therefore, between legislation which saps its vitality and cripples its action and an independent opinion which either ignores it or seeks openly to destroy it, the party can get little support from the fact that, considered purely as a state organization, it is based on artificial distinctions and serves few useful purposes in legislation or administration. The initiative and the referendum, which have been adopted in Michigan, are non-partisan devices, and are a confession that the party organization has been found an inadequate agency for the embodiment of opinion into law. The effect of these devices on party organizations cannot fail to be weakening.<sup>19</sup> Parties are originally created by issues; and the strength of party organizations depends to a considerable degree on the differentiation of party tenets. The state party organization as such derives

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<sup>19</sup> J. D. Barnett, *The Operation of the Initiative, Referendum and Recall in Oregon*, pp. 185-186.

little strength from the advocacy of characteristic ideas growing out of state conditions, and the disappearance or confusion of national issues is an additional and important cause for the weakening of state party organizations.

Among the benefits which accrued from strong party organizations not the least was their service in helping to make politically homogeneous the heterogeneous elements of the population which have resulted from immigration and from industrial and social differentiation. In Michigan the parties have represented vertical divisions; they have in general cut athwart races, religions, and economic classes, and they have led various groups to some measure of cooperation and common feeling. The heterogeneous character of city populations, unaided by other influences, would probably have developed the strong oligarchical type of party organization;<sup>20</sup> and this type of organization was the one best fitted to deal with city populations. The managers not only drew the foreign-born into the ordinary political activities but also guided them through the intricacies of naturalization,<sup>21</sup> registration, and voting.<sup>22</sup> Reform legislation and independence emphasize the individual candidate at the expense of the organization; but fixing the attention on an individual brings into relief not so much his past record and political opinions as those things which we associate more closely with personality, race, religion, and economic and social classification. If party organizations crumble, new groupings may appear based on more personal elements and on horizontal cleavages. These considerations throw light on the significance of bipartisanship and vote-swapping and on those personal machines which have to a great extent in Detroit taken the place of the party organizations.

Under the convention system the demands of party strategy in the making of nominations tended to distribute candidates around the county or State, or in the case of a

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<sup>20</sup> F. J. Goodnow, *Municipal Government*, pp. 379-380.

<sup>21</sup> See above, page 130.

<sup>22</sup> See above, page 143.



district to alternate the nominations from one county in the district to another. The result was to accentuate the evils of the district system, for the problem which the convention faced was to nominate a resident of a particular subdivision of the district. In nominating a particular state officer the convention did not look for the most available man in the State, but merely for the most available man in the upper peninsula or in Wayne County. Under the direct primary the system of sectional candidacy is to some extent done away with; and in place of the appeal to a section there is likely to be an appeal to the dominant race or economic class in the district, and hence a tendency to accelerate the crystallization of personal, racial, and class groups. While this tendency is diametrically opposed to homogeneity as well as to strong organization, it does at least obviate one of the reasons for the existence of inferior candidates.

*Minor Changes and Tendencies.*—A survey of the last quarter of a century reveals in primaries and campaigns a less excitable, more orderly, more self-controlled, and at the same time a more individualistic and apparently more alert citizen body than existed in previous years. The picturesque element has largely vanished, and conditions incident to nominations and elections are no longer demoralizing. To compensate for the diminished educational features of the electoral campaign the prenomination campaign has become more educational. In answer to the contention that weak organization and independence cause public indifference and a decrease in voting, a careful comparison of the returns shows that in the primaries the vote has increased, and in the election no decrease is clearly apparent.

*Further Legislation.*—Experimentation has shown the inadequacy of mere machinery to make effective a priori principles, and it has also shown the danger that in some cases the remedy may be worse than the disease. The system of legislative regulation will need the continued application of corrective and remedial provisions. If the

present tendencies are to be accepted, the primary should be open; the office-column ballot should be substituted for the party-column; the provisions prohibiting fusion should be repealed; the merit system should be inaugurated for state and municipal employes; and the short ballot should be adopted.

The most interesting and most difficult inquiry is that which concerns itself with the quality of candidates. In addition to the nominating system there are other influences which affect the quality of candidacies; for example, the appurtenances of the office sought,—its powers, responsibilities, compensation, tenure, and public estimation; and if party organizations continue to lose strength, these factors must assume in the future greater relative importance than they have had in the past. To create in the electorate a social feeling which shall take the place of partisanship and inspire an active and intelligent participation in nominations and elections, to educate the voter to view his ballot with an impersonal, objective, impartial mind,—these are tasks which are fundamental to thoroughgoing reform; but for their performance something more is required than the devising of machinery or the imposing of penalties.

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